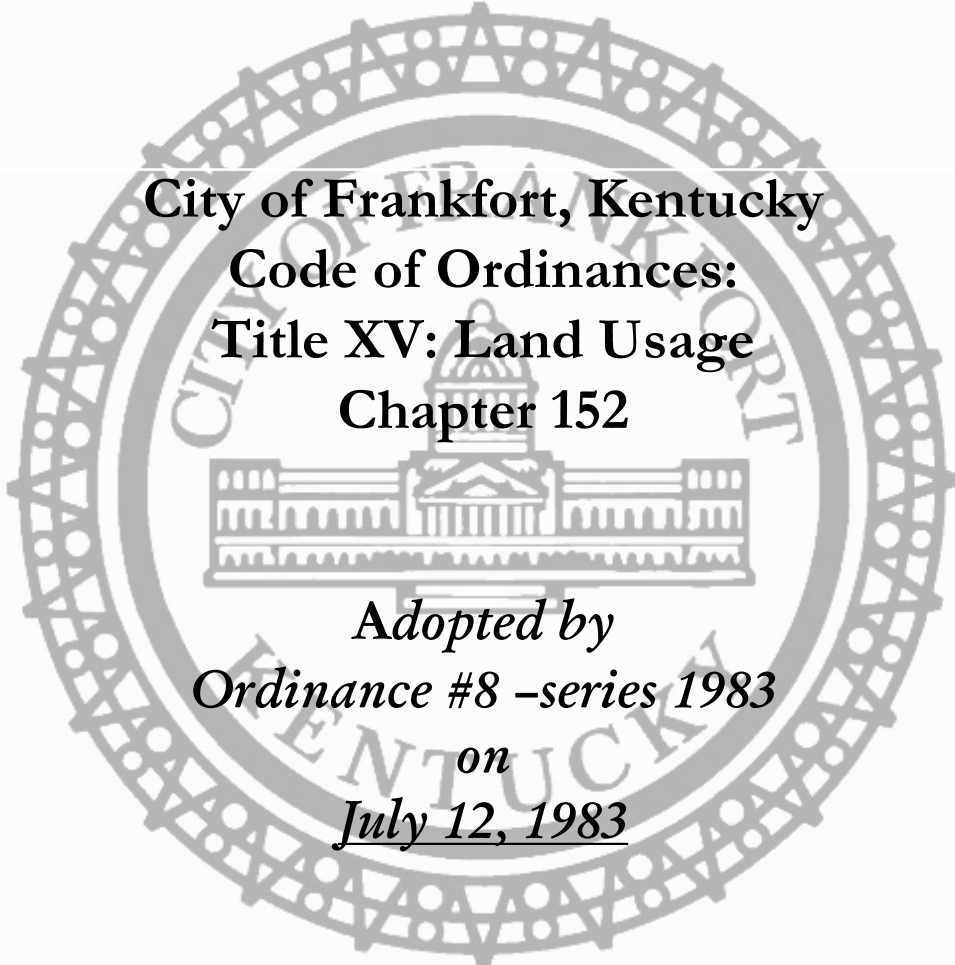


CITY OF FRANKFORT

Zoning District Regulations



City of Frankfort, Kentucky
Code of Ordinances:
Title XV: Land Usage
Chapter 152

*Adopted by
Ordinance #8 –series 1983
on
July 12, 1983*

*Amendments have been included within this ordinance as of
November 24, 2008*

ARTICLE 1

GENERAL PROVISIONS

- 1.01 Adoption. The zoning regulations adopted by ordinance of the Board of Commissioners of the City of Frankfort are confirmed and adopted in accordance with KRS Chapter 100 and reads as hereinafter set out.
- 1.02 Title. These regulations and the accompanying zoning district maps shall be known and may be cited as “ The Zoning Regulations of the City of Frankfort, Kentucky”.
- 1.03 Purpose. The purpose, scope and intent of these regulations shall be:
- 1.031 To promote and protect the public health, safety, morals, convenience, and general welfare of the City of Frankfort.
 - 1.032 To facilitate orderly and harmonious development.
 - 1.033 To facilitate the visual and historic character of the City of Frankfort.
 - 1.034 To regulate the density of population and the intensity of land use.
 - 1.035 To provide for adequate light and air.
 - 1.036 To conserve energy.
 - 1.037 To provide for vehicle parking and loading.
 - 1.038 To prevent the overcrowding of land, blight, danger and congestion in the circulation of people and commodities.
 - 1.039 To prevent the loss of life, health, or property from flood, or other dangers.
 - 1.0310 To protect historical districts and central business districts.
 - 1.0311 To aid the implementation of the Frankfort/ Franklin County Comprehensive Plan.
- 1.04 Necessity. In order to accomplish the purposes and objectives of these regulations it is necessary to regulate:
- 1.041 The most appropriate land use and the activity on the land.
 - 1.042 The size, width, height, bulk and locations of structures, buildings and signs.
 - 1.043 The areas of land or space which are to be left unoccupied and the space between buildings or structures.

- 1.044 Intensity of use and density of population.
 - 1.045 Districts of special interest, special use districts, historic districts, planned developments, environmental areas, residential, commercial, and industrial districts.
 - 1.046 Fringe areas of districts making them compatible with adjoining districts.
 - 1.047 The activities and structures on the land at or near major thoroughfares, streets or roads.
 - 1.048 Flood plain areas and other areas having special character or use effecting their surroundings.
- 1.05 Application. This ordinance shall apply to all land use, buildings, signs, structures for residential, commercial, industrial, and other uses within the City of Frankfort. This regulation shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Frankfort Municipal Code which are necessary for an understanding of this regulation and the attainment of its purposes.
- 1.06 Enactment. Except hereinafter provided no building shall be erected or structurally altered and no building or premises may be used for any purposes other than that permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open space shall be smaller than prescribed herein; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided for any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.
- 1.07 Repeal of Conflicting Law. The Zoning Ordinance adopted by the City of Frankfort, October, 1973 and all amendments made thereto and all ordinances or parts of ordinances in conflict with this Zoning Regulation, or inconsistent with the provisions of the regulation, are hereby repealed.
- 1.08 Severability Clause. If any clause, sentence, paragraph, section or part of this Zoning Regulation be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof.

1.09 PROVISION FOR WAIVERS AND MODIFICATIONS

Within the general limitations of the Comprehensive Plan, the spirit and intent of the regulations and the public interest, safety and welfare, the Planning Commission may adjust or modify these regulations only when:

- A. The request for modifications has been reviewed by the Technical Review Team (when deemed necessary by the Planning Official) and their comments have been forwarded to the Planning Commission for review; and *(PC interpretation 9-14-06)*
- B. The waiver or modification is consistent with the stated purpose and intent of these regulations and with the adopted **COMPREHENSIVE PLAN**; and
- C. The modification would not have a significantly adverse impact on the public interest; and
- D. The modification would not overburden or otherwise adversely impact public facilities.
- E. The applicant has clearly showed the existence of **one or more** of the following circumstances:
 - (1) Superior Alternatives - Where the proposed waiver/modification will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.
 - (2) Protection of Significant Features - Where the waiver/modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
 - (3) Deprivation of Reasonable Use - Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location; provided:
 - a) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
 - b) The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.
 - (4) Technical Impracticability - Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or

construction practices which will be realized by deferral of the installation of required improvements; provided:

- a) The development will provide an alternative adequate design to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and
 - b) Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.
- (5) No Relationship to the Development or its Impacts - Where all or any part of the requirement has no relationship to the needs of the development, or to the impact of the development on the public facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.

The Planning Commission may make reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver/modification of any requirements under this zoning ordinance.

Furthermore, any adjustments can in no way be made to the basic zone district's permitted uses, bulk, density, and height requirements or to the maximum limits permitted in regard to square footage.

(Amended 7-24-06 Ord. # 15-2006)

ARTICLE 2

ZONING DISTRICTS AND MAP

2.01 Establishment and Purpose of Districts. These regulations establish the following zoning districts, the boundaries of which are shown on the maps, made a part of these regulations and which are designated as the “Official Zoning Map”. A description of each zone and uses permitted are indicated in Article 4 of these regulations.

2.02 Districts Established.

Agricultural District	AG
Single Family Residential District, Estate	RE
Single Family Large Lot	RA
Single Family Residential Suburban Density District	RB
Single Family Residential Urban Density District	RC
Special Design Single Family District	RS
Two Dwelling District	RD
Low Density Multifamily District	RL
High Density Multifamily District	RH
Mobile Home District	RM
Professional Office District	PO
Limited Commercial District	CL
General Commercial District	CG
Highway Commercial District	CH
Central Business District	CE
Industrial Commercial District	IC
General Industrial District	IG
Special Historic District	SH
Special Capitol District	SC
Special Government District	SG
Special Flood Plain District	SF
Special Environmental District	SE
Planned Residential District	PR
Planned Commercial District	PC
Planned Mixed Use District	PM

2.03 Zoning District Equivalency. For purpose of interpretation, districts established by these regulations shall replace districts previously established by the Zoning Regulations of October 1973. These districts generally shall be equivalent to previous districts:

AG -----	AR
RE -----	R – 1A
RA -----	R – 1B
RB -----	R – 1C
RC -----	R – 1D
RS -----	R – 1T (No Direct Equivalent)
RD -----	R – 2

RL -----	R – 3
RH -----	R – 4, R – 5
RM -----	R – MHP, R – MHS
PO -----	P – 1
CL -----	B – 1
CG -----	B– 2A, B – 3 (No Direct Equivalent)
CH -----	B – 3, B – 5 (No Direct Equivalent)
IC -----	B – 4, I – 1
IG -----	I – 2
SH -----	H
SC -----	CC
SG -----	G
SF -----	None
SE -----	None
PR -----	None
PC -----	B – 6 (No Direct Equivalent)
PM -----	None

2.04 Application of Zone and District Regulations. The regulations set by this Zoning Regulation within each zone and district shall be minimum or maximum limitations, as appropriate to the case. These regulations shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2.041 No part of a yard, open space, off street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this Zoning Regulation shall be included as part of a yard, open space, off street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this Zoning Regulation.

2.042 No yard or lot existing at the time of adoption of this Zoning Regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created shall meet at least the minimum requirements established by this Zoning Regulation.

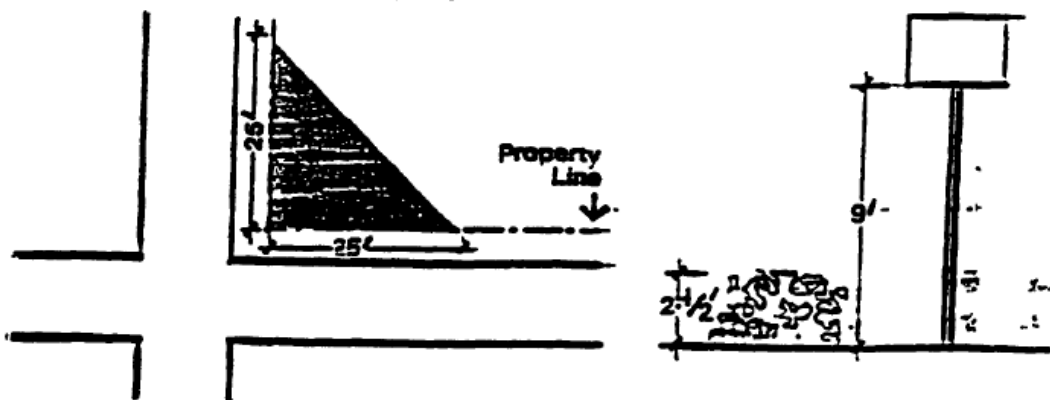
2.043 Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone or district, and all uses not permitted or substantially similar uses are prohibited.

2.044 No structure shall be erected on any lot or tract of land, which does not adjoin and have direct access to a street or other public right-of-way for at least twenty (20) feet unless otherwise specifically permitted in this Zoning Regulation.

2.045 Where conflicts may exist between an established setback and the setback required by the Zoning Regulation, the minimum established setback shall be observed. Appeal to

this requirement shall be made before the City Planner or the Board of Zoning Adjustment.

- 2.05 Yard Requirements Along Less Restricted Zone Boundary Lines. Along any zone boundary line, any abutting side yard or rear yard on a lot adjoining such boundary line in the less restricted zone shall have a minimum width and depth equal to the required minimum width and depth for such yards in the more restricted zone.
- 2.06 Conversion of Dwellings. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Regulation and only when the resulting occupancy will comply with the requirements governing new construction in such zone with respect to minimum lot size, floor area, dimensions of yards and other open spaces and off street parking. Each conversion shall be subject also to such requirements as may be specified hereinafter applying to such zone.
- 2.07 Safety and Vision. The following regulations provided for the maximum safety of persons using sidewalks and streets. On any corner lot or curb cut no wall, fence, structures, parking space or any plant growth which obstructs sight lines at the elevation between two and one-half (2 ½) feet and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area twenty five (25) feet along each of the intersecting streets to be measured from the property line.



- 2.08 Reserved.
- 2.09 Reserved.
- 2.10 Zoning Map Atlas. The City of Frankfort is hereby divided into zones and districts as provided herein and as shown on the Zoning Map Atlas, which together with all explanatory material thereon, is hereby adopted by reference and declared to be a part of the Zoning Regulation.

Said Zoning Map Atlas is generated via the City's GIS data base and is to be maintained regularly. The GIS version of the Zoning Map Atlas shall be the official record of the zoning status of all land in the City and be kept on file in the office of the Planning Department and shall be know as the "Zoning Map".

2.11 Zoning Map Atlas Amendments. Amendments to the Zoning Map Atlas changing the zoning status of an area made by ordinance by the Board of Commissioners of the City of Frankfort after the effective date of said ordinance or resolution, shall be promptly posted on the appropriate map sheet of the Zoning Map Atlas. A proposal for amendment to the zoning district map may be filed by an individual, business or government body having written authorization from the owner of the subject property. The requirements for filing applications for amendments to the zoning district map are as defined in this article.

2.111 Application Form. Application form shall be submitted as provided by the Office of Planning & Zoning and all applicable information on the form must be completed. The property owner's signature and date shall be provided on the back of the application form.

2.112 Notification of Adjacent Property. All applications for an amendment to the zoning map shall included a list of each adjacent property owner and their current address. The Office of Planning & Zoning will notify the adjacent property owners by mail as to the date of the Public Hearing.

In addition to the Notice given to adjacent property owners for zone map amendments, applicants filing any request to be considered by the Planning Commission shall include a list of adjacent property owners and their mailing addresses with the completed application form. The Office of Planning & Zoning shall notify adjacent property owners by mail, at least seven (7) days in advance of the meeting, of the request and the date of the meeting of the Planning Commission.

2.113 Fee. All applications for amendment to the zoning map shall be required to submit with the application a nonrefundable fee as established by the Frankfort-Franklin County Planning Commission.

2.114 Legal Description. A legal description as recorded in the Franklin County Courthouse shall be provided as part of the application.

2.115 Concept Development Plan. A development plan shall be submitted as part of the application for amendments to the zoning map when required in accordance with Article 5. The Commission may condition any zone map amendment that a development plan be approved by the Planning Commission prior to issuance of any building permits for such property. Elements of the development plan are defined in the Subdivision and Development Plan Regulations. *(revised 8-2005)*

2.116 Submittal Deadline. The submittal deadlines for applications to be reviewed and considered by the Frankfort-Franklin County Planning Commission shall be

established by the Commission as necessary to facilitate adequate review by the staff and proper notification of adjoining property owners and the public of items placed on the agenda.

2.117 Notice of Public Hearing. Notice of the time, place and reason for holding a public hearing shall be given by one publication in the newspaper of general circulation in Franklin County, Kentucky, not earlier than twenty-one (21) days or later than fourteen (14) days before the public hearing.

2.118 Posting Subject Property. The office of Planning & Zoning shall post a sign as defined in KRS 100 on the property of a zoning change request at least fourteen (14) days prior to the hearing date. The sign shall be located in a conspicuous location.

2.119 Public Hearing. Upon receipt of a completed application, notification of adjacent property owners, receipt of fee, submission of legal description and posting subject property, the Frankfort-Franklin County Planning Commission shall hold a public hearing on the proposed amendment.

2.11.10 Recommendation of Commission for Zoning Map Amendments.

Before making recommendation to the Board of Commissioners of the City of Frankfort, Kentucky, that an application for amendment to the Zoning Map be granted, the Commission shall find that the map amendment is in agreement with the Comprehensive Plan adopted by the Commission, or, in the absence of such a find that (1) the original zoning classification given to the property was inappropriate or improper, or (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area. The findings in fact made by the Commission shall be recorded in the minutes and records of the Commission. After voting to recommend that an application for amendment to the Zoning Map be granted or denied, the Commission shall forward its findings of fact and recommendation in writing to the Board of Commissioners of the City of Frankfort, Kentucky, if the subject property is within the territorial jurisdiction of said City at the time the commission's recommendation is made thereon.

2.12 Rules for Interpretation of Zone and District Boundaries. Where uncertainty exists as to the boundaries of zones and districts as shown on the Zoning Map Atlas, the following rules shall apply:

2.121 Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow centerlines.

2.122 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

2.123 Boundaries indicated as approximately following city limits shall be construed as following such city limits.

- 2.124 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 2.125 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the vent of change in the shore lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, river, lakes or other bodies of water shall be construed to follow such center lines.
- 2.126 Boundaries indicated as parallel to or extensions of features indicated in Sections 2.121 through 2.125 herein above shall be so construed. Distances not specifically indicated on the Zoning Map Atlas shall be determined by the scale of the map.
- 2.127 Where a zone or district boundary line divides a lot which was in single ownership at the time of passage of the regulations, the Board of Zoning Adjustment may permit, as a conditional use, the extensions of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the zone or district line into the remaining portion of the lot.
- 2.128 Where the above stated rules do not indicate the exact location of the zone or district boundaries, then said boundaries shall be determined by appeal before the Board of Zoning Adjustment as provided by Article 18 herein below.

2.13 Establishment of Zoning District for Annexed Territory.

- 2.131 When a proposal to annex territory is made by the Board of Commissioners of the City of Frankfort, Kentucky, the Planning Commission shall recommend zoning classification for such territory.
- 2.132 At the first regular meeting after a proposal to annex is made by the Board of Commissioners of Frankfort, Kentucky, the Planning Commission shall hold a public hearing to determine the correct zoning district or districts for territory proposed for annexation.
- 2.133 A report of the findings of the Planning Commission and its recommendation for the establishment of zoning districts shall be made to the Board of Commissioners of Frankfort, Kentucky, prior to the reading or an ordinance to annex.
- 2.134 As part of the ordinance to annex territory, the City of Frankfort shall include designation of appropriate zoning districts.

ARTICLE 3

DEFINITIONS

- 3.01 DEFINITIONS. For the purpose of the Zoning, Regulation, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the word Person includes association, firm, partnership, trust, government body, corporation, organization, as well as an individual; the Structure includes building; the word Occupied includes arranged, designed or intended to be occupied; the word Used includes arranged, designed or intended to be used; the word Shall is always mandatory and not merely directive; the word May is permissive; and the word Lot includes plot or parcel. Other words and terms shall have the following respective meanings:

ACCESSORY USE OR STRUCTURE: A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto.

AGRICULTURE: The use of land for farming, dairying, pasturage, animal and poultry husbandry and other similar uses; and the necessary accessory uses for packaging or storing the produce, but not the commercial feeding of garbage or offal to swine or other animals.

ALLEY: A permanent public or private service way providing a secondary means of access to abutting lands.

APARTMENT: A suite or set of rooms with necessary appurtenances in a house, apartment building, hotel or motel occupied or suitable to be occupied as a dwelling unit.

ARCHITECTURAL FEATURE: Ornamentation or decorative features attached to or protruding from an exterior wall.

AUTO STORAGE YARD: A lot or a part thereof used for the temporary storage of motor vehicles.

BASE FLOOD: Or the 100 year flood: A flood having a one percent 1% chance of being equaled or exceeded in any given year.

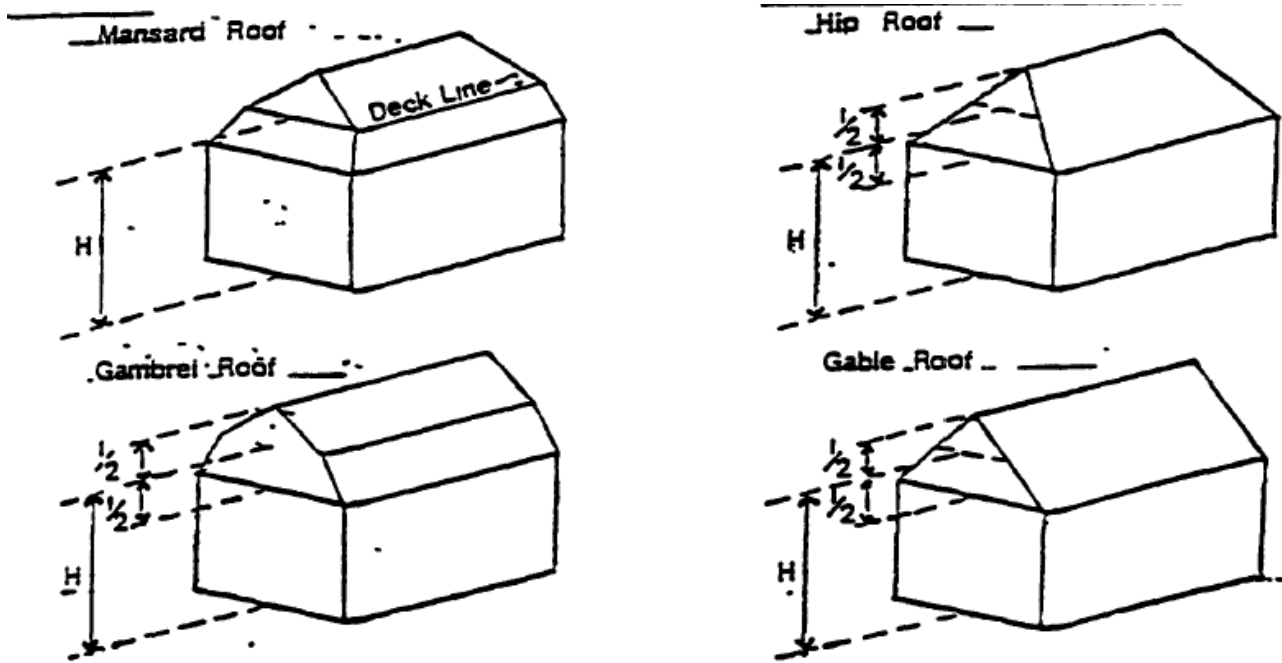
BOARD: The Board of Zoning Adjustments of the City of Frankfort.

BUILDING: Any structure having a roof supported by column, walls or air pressure for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other person therein by a division wall without openings, then each portion therein shall be deemed to be a separate building.

BUILDING ATTACHED: A building of independent occupancy unit having more than one party wall common with an adjacent building, or an end unit having one party wall with an adjacent building which has more than one party wall.

BUILDING DETACHED: A building having no wall in common with another building.

BUILDING, HEIGHT OF: The vertical distance measured from the adjoining curb grade at point opposite the center of the principal frontage of the primary building to the highest point of ceiling of the top story; in the case of a flat roof, to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.



BUILDING LINE SETBACK: The linear distance between any property line and the closest portion of any building or structure to that line. Front building setbacks are measured from the public right-of-way where known or twenty – five (25) feet from the center line of a street in a residential zone or thirty (30) feet from the center line of a street in a nonresidential zone where exact right-of-way is unknown.

BUILDING, SEMI-DETACHED: A building having one party wall common with an adjacent building.

CARPORT: A permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobiles.

CEMETERY: Land used for burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHANGE IN USE: A new use in which is designated on a different horizontal line in the use table than the present use.

CHURCH: A building wherein persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain public ownership, together with all accessory buildings and uses customarily associated with such primary use.

COMMISSION: City/County Planning Commission of the City of Frankfort and Franklin County.

CLUB, PRIVATE: Building or facilities for a social, educational or recreational purpose, generally open only to members, but not primarily for profit or to render a service which is customarily carried on as a business.

DAY CARE CENTER, NURSERY, KINDERGARTEN: Any facility, including a home or dwelling unit, which regularly provides care for four (4) or more children away from the child's own home. The operator's own children shall be included in the total number of children permitted.

DEVELOPMENT: Any man-made change to structure(s) or land including but not limited to erection, reconstruction, alteration, filling, grading, mining, drilling, excavation, paving, dumping or dredging operations.

DISTRICT: A portion of the territory within the City of Frankfort within certain regulations and requirement apply under the provisions of this Zoning Regulation in addition to other regulations and requirements for the property imposed by the zone in which said property is located.

DRIVE -IN USE OR DRIVE-THRU USE: Any use or portion (part) of a use which involves the delivery of services, goods, of other commodities to a customer who remains in an automobile, van, pick-up truck or other motor vehicle. This shall also include any other such use (ie. gasoline service station) that involves servicing motor vehicles by the customer who may perform the service in a self-service manner. Any use which will create a line of motor vehicles waiting for a service is also included in this definition.

DWELLING: A building or portion thereof occupied exclusively for residential purposes, not including a mobile home or trailer.

DWELLING, SHARED FAMILY: Any building occupied by not more than four (4) residents, unrelated by blood or marriage, to which the common areas and facilities are shared. This does not include limited care/ treatment centers of halfway houses. (see KRS 100.984)

DWELLING, SINGLE FAMILY DETACHED: A single-family dwelling separated from other dwelling units by open space and conforming to the compatibility standards established in Article 4.05 contained herein. (Ord #17, 2003)

DWELLING, TWO FAMILY: A building occupied exclusively by two (2) families or two (2) housekeeping units commonly known as a duplex.

DWELLING, MULTIPLE FAMILY: A building or portion thereof occupied by more than two (2) families or more than two (2) housekeeping units.

DWELLING, UNIT: One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same building and containing independent cooking and sleeping facilities.

EASEMENT: A grant by the property owner for the use of land.

EXPANSION TO AN EXISTING MOBILE HOME PARK: The preparation of additional sites by the construction facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, final site grading or pouring of concrete pads, or the construction of new streets). Any expansion is considered “new construction”.

FENCE: Any barrier constructed of wood, metal, masonry or similar material erected for the purpose of assuring privacy or protection, but excluding shrubbery and plantings.

FLOOD BOUNDARY-FLOODWAY MAP: Map issued by the Federal Emergency Management Agency for use during the Regular Phase of the National Flood Insurance Program which is the primary regulatory map to be used by a community with designated floodways. The Flood Boundary-Floodway Map illustrates the flood plain and floodway boundaries; and, in conjunction with the flood profiles and Floodway Data Table in the Flood Insurance Study, indicates the base flood elevations along different flood plain cross sections.

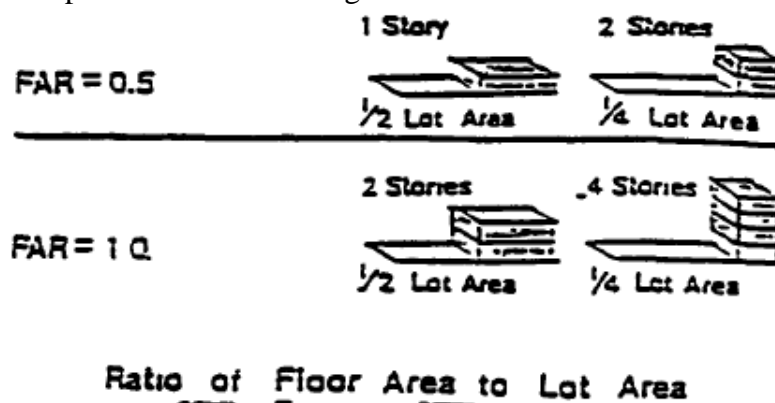
FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or, the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD PLAIN: All areas of special flood hazard, including the “Floodway”.

FLOOR: The top surface of an enclosed area in a building (including basement) – top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA, GROSS FLOOR AREA: The total number of square feet of floor space within the surrounding walls of a building or structure (or portion thereof), exclusive of vents, shafts and courts.

FLOOR AREA RATIO (FAR): A ratio determined by dividing the total floor area of a building by the area of the lot upon which the building is located:



FRATERNITIES AND SORORITIES: An incorporated organization of persons which provides sleeping accommodations, with or without accessory common rooms and cooking and eating facilities for groups of unmarried students in attendance at an education institution. (*See KRS 216.B.300-320*)

GAME ROOM / AMUSEMENT ARCADE: A building or part of a building in which five or more pinball machines, video games, pool tables, and/or air hockey tables, etc. are located and are used for the commercial purposes of providing player operated amusement.

GARAGE, PRIVATE: A detached accessory building or portion of a main building used primarily for the storage of vehicles for the residents housed in the building to which such garage is accessory. Incidental storage of property owned by the residents of the principal building shall be permitted.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring or storing motor driven vehicles.

GASOLINE SERVICE STATIONS: A retail business providing automotive fuels and lubricants directly to customer vehicles. Incidental repair, replacement and servicing of customer vehicles shall be considered as accessory use. Removal and repair of major automotive components, the repair and painting of body parts and the machining of automotive parts shall not be considered as an accessory use.

GRADE, CURB: The elevation of the top of the face of the curb as fixed by the City.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HOME OCCUPATION: Any use conducted entirely within a dwelling or attached garage and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOME OFFICE: A type of Home Occupation where only business office activities such as bookkeeping, record keeping, mail receipt and send out, and telephone contacts are conducted at the home. There shall be no persons engaged in this occupation other than residents of the home and there shall be no customers, clients, sales persons, or associates coming to the home in conjunction with this use. This use is incidental and secondary to the residential use of the dwelling.

HOSPITAL: An establishment providing accommodations, facilities and services on a continuous twenty-four (24) basis requiring obstetrical, medical or surgical services. Hospitals shall not include nursing homes, convalescent centers or extended health care facilities.

HOTEL: An establishment that provides lodging without provision for cooking within individual rooms and having a lobby and registration desk.

LOT LINE, FRONT: The line separating a lot from any street right-of-way.

LOT LINE, REAR: Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall, for the purpose of this Regulation, be considered the rear lot line. In other cases not covered herein above, the Building Inspector shall designate the rear lot line.

LOT LINE, STREET OR ALLEY: A lot line separating the lot from a street or an alley.

LOT LINES: The property lines bounding the lot.

LOT, OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder, or a lot described by metes and bounds, the description of which has been recorded in said office at the time of adoption of the Zoning Ordinance.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

LOT, WIDTH: This distance parallel to the front lot line through a building erected or to be erected, measured between a side lot line through the part of the building where the lot is narrowest.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME: A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.
(see KRS 100.348 (2) (c) – Ord #17, 2003)

MANUFACTURED HOME – QUALIFIED: A manufactured home that meets all the following criteria:

1. Is manufactured on or after July 15, 2002; and
2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570; and
3. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street; and
4. Has a minimum total living area of nine hundred (900) square feet; and
5. Is not located in a manufactured home land-lease community; and

6. Supported by a permanent foundation that is:
 - a) Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; and
 - b) Constructed of concrete; and
 - c) Placed at a depth below grade adequate to prevent frost damage.

(See KRS 100.348 (2) (d) – Ord #17, 2003)

MANUFACTURED HOME PARK: Any lot or tract of land other than a manufactured home subdivision or manufactured home sales or storage lot upon which three or more manufactured homes utilized for long-term residential occupancy are located. (Ord #17, 2003)

MANUFACTURED HOME SUBDIVISION: A subdivision of three or more lots designed and intended for residential use exclusively by manufactured homes on permanent foundations with wheels, tongue, lug bolts and hitch, if any, permanently removed and wherein each lot occupied by a manufactured home is owned by the owner of the manufactured home situated thereupon. (Ord #17, 2003)

MOBILE HOME: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. (See KRS 227.550 (10) – Ord #17, 2003)

MOTEL: A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of transient guests and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

MURAL: A graphic illustration applied to an exterior wall façade or surface of a building and/or structure for aesthetic, renovative or advertising purposes.

NONCONFORMING USE: A legally existing use of or building which fails to comply with the regulations set forth in this article applicable to the district in which such use is located.

OCCUPANCY, CHANGE OF: A discontinuance of an existing use or occupant and a substitution of a different use or occupant.

OPEN SPACE: Total horizontal area of all portions of the lot not covered by buildings or structures.

PARKING AREA, PUBLIC: An area other than a street used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE, ONE OFF-STREET: The area required for parking one (1) automobile.

PERSONAL SERVICE: A business or service carried out on an individual basis. Such use shall include but not be restricted to instruction in music, dance, arts and crafts; photographic services; tailoring, etc.

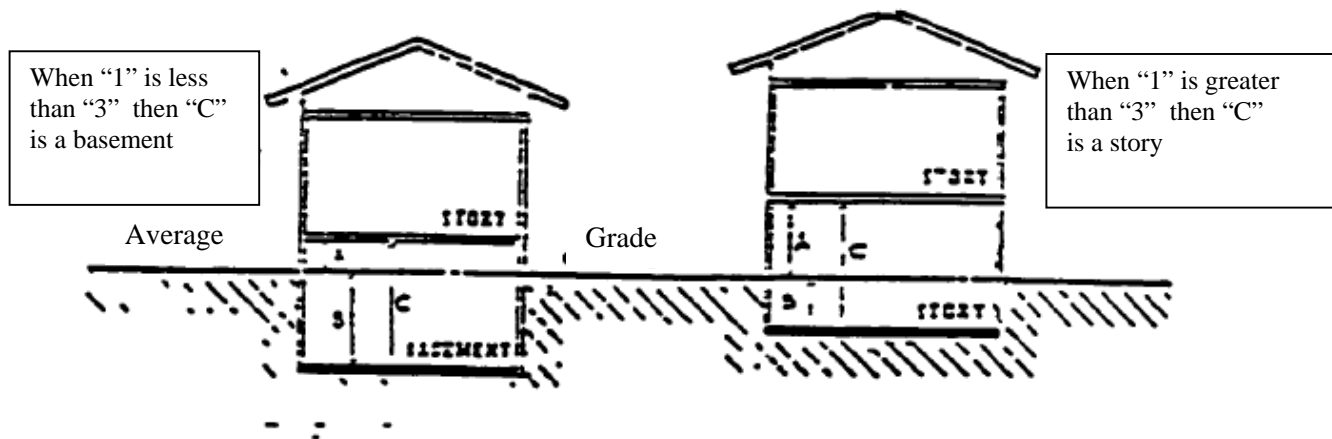
PLAT: A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record.

RESTAURANT: An eating establishment where food and/or consumed only within the building.

RESTAURANT, DRIVE-IN: An eating establishment where food is generally served by employees or by self-service on the premises outside the building and generally consumed on the premises outside the building or off the premises.

SIGN: (SEE ARTICLE 13)

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted a story, unless the height surface of the first story is fifty percent (50%) above the average elevation of the finished lot grade.



STREET: A public way established by or maintained under public authority, a private way open for public uses and a private way plotted or laid out ultimately for public use, whether constructed or not.

STREET, ARTERIAL: A street designed primarily for the continuous movement of traffic through a planning unit or area. Major arterials may include freeways, expressways or other limited access facilities.

STREET, COLLECTOR: Roadway used for movement of vehicles and providing access to adjacent properties which is planned to assure minimum disturbance of moving traffic and serving as a link between arterial or other collector streets and local streets. Major collectors provide access to commercial developments or residential developments or residential developments

in excess of 150 dwelling units. Minor collectors generally provide connections from local residential streets to other collectors or serve less than 150 dwelling units.

STREET, LOCAL: Streets whose primary function is to provide direct access to residential developments or lots.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure with (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (1) any project required to improve a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TOWNHOUSE: A single family dwelling, attached or detached, each dwelling designed and erected as a unit on a separate lot and separated from another by a yard or common wall.

TRAILER: Any vehicular structure on wheels designed to be towed or hauled by another vehicle. Trailers can be used for temporary human occupancy or the transportation of equipment, goods or livestock. Definition includes automobile trailers, campers and horse trailers but not mobile homes.

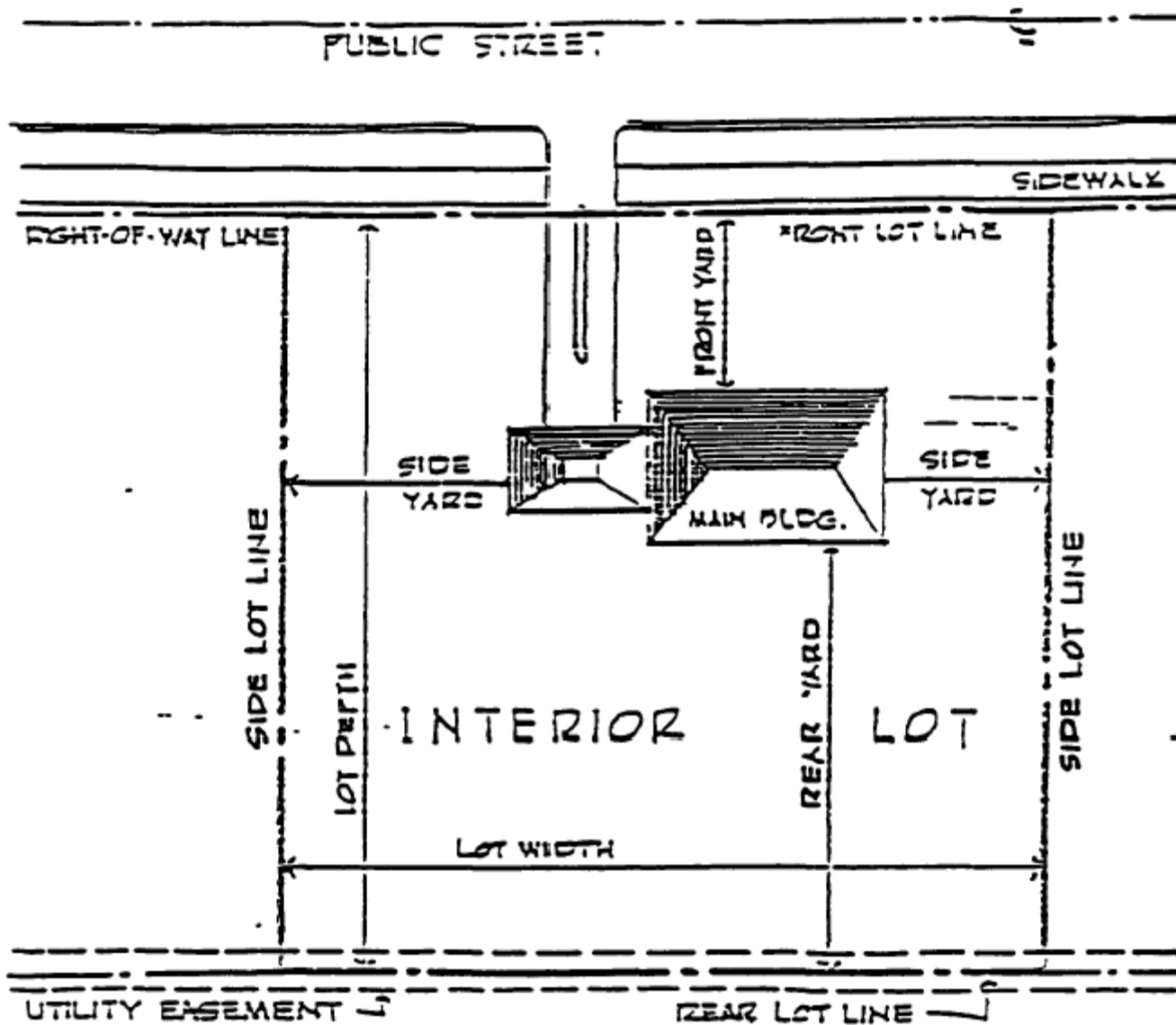
USEABLE OPEN SPACE: That portion of the lot that is not covered by buildings, streets, parking areas or paved walkways. For the purposes of this ordinance outdoor roof gardens, patios and decks may counted providing a maximum of 100 square feet per dwelling unit may be included as usable open space. Pools and other recreational facilities may be included in the usable space provided that a minimum of thirty percent (30%) of the usable open space must be devoted to landscaping.

YARD: A space on the same lot with a main building; open, unoccupied and unobstructed by buildings or structures from the ground to the sky except as otherwise provided in this title.

YARD, REAR: Any yard extending across the full width of the lot between the rearmost portion of the main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard or front lot line, where no front yard is required.

YARD, STREET SIDE: A yard between the main building and the side lot line of a corner lot which abuts a side street extending from the front lot line to the rear lot line.



ZONE: A portion of the territory within the City of Frankfort within certain regulations and requirements apply under the provisions of this Zoning Regulation.

Zone – Agricultural: AG Zone

Zone – Commercial: PO, CL, CG, CE or PC Zone

Zone – Industrial: IC or IG Zone

Zone – Residential: RE, RA, RB, RC, RS, RD, RL, RH or RM Zone

Zone – Special: SH, SC, SF, SE, SG, PR, PC or PM Zone

ARTICLE 4

PERMITTED USES

4.01 Table of Permitted Uses. The charts and text on the following pages are adopted as the basic land use regulations for Frankfort. The uses shown on the carts are divided into basic categories:

1. Agricultural
2. Residential
3. Public & Institutional
4. Retail Sales
5. Business & Personal Service
6. Medical Service
7. Wholesale & Warehousing
8. Industrial Service & Manufacturing

4.02 Special Districts. In addition to the basic zoning districts which are intended to be established in predominantly developed sections of the community, a series of special or flexible zones may be established.

4.021 To consider special or unique character of an existing area: Special historic areas and Special Capital area.

4.022 To consider certain environmental problems: Floodways & floodway fringe and steep slope & conservation.

4.023 To consider special flexible design opportunities: Planned Development Districts and Mixed Use Districts.

4.03 Special Districts Governed by Performance Standards. Inasmuch as these districts are less guided by specified permitted uses and more dependent upon performance standards, the use table does not specify permitted uses in special districts. Where special districts are applied, their use and conditions are explained in the text.

4.04 Interpretation of Use Table. To determine zoning districts where specific uses may be permitted:

- A. Find the use in the alphabetical list in the use in the use table.
- B. Read across the table unit until a “P”, a number, or a “C” appears.
- C. Where a “P” appears, that use is permitted as a right in that zoning district, subject only to site plan approval.
- D. If a number appears, the use is permitted, subject to certain conditions that are explained at the end of the use table. Each number refers to a condition identified by the same number.
- E. If a “C” appears, that use is a conditional use requiring approval of “Board of Zoning Adjustments”. Reference should be made in Article 19 Conditional Uses.

LAND USE					ZONING DISTRICTS																		
RESIDENTIAL	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG					
Single-family dwellings ²⁶	01	P3	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆		P ₂₆	P ₂₆	C	P ₂₆								
Two-family dwellings	02					C	4	P	P	P		C	P	C	P								
Three or more family dwellings	03-05								P	P		P	C	C	C	P							
Boarding, Rooming & Fraternity houses	06							C	C	P		C	C	C	C	P							
Hotel, Motels	07													P	P	P							
Mobile & Manufactured homes	08	P									P												
Qualified Manufactured homes ²⁶	09	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	P ₂₆	C	P ₂₆								
Extractive & Industrial Non-manufacturing	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG					
Field crop farms	101	P	1														P						
Fruit, Tree Nut & Vegetable farms	102	P	1														P						
Livestock farms	103	P2															2						
General farms	104	P	1															P					
Non-commercial farms	108	P	1															P					
Animal Husbandry services	112	P	2															P					
Timber Tracts	121	P																P					
Forest nurseries & tree seed gathering & extracting	122	P																P					
Gathering of gums & barks	124	P																P					
Forestry services	125	P																P					
Gathering of forest products not elsewhere classified	126	P																P					
Fisheries	131	P																P					
Fishery services	138	P																P					
Mining	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG					
Dimension Stone Mining	141																C	C					
Crushed & Broken Stone	142																C	C					
Chemical & fertilizer mineral	143																C	C					
Sand & gravel	144																C	C					
Miscellaneous non-metallic minerals	145																	C					
Crude petroleum & natural gas	147																C	C					
Metals	148																C	C					
Coal Mining	149																C	C					

METALS & MINERALS WHOLESALERS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Coal & other minerals, except petroleum	151																C	P
Petroleum bulk stations and terminals	152																C	P
CONSTRUCTION-GENERAL CONTRACTORS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Highway & street construction	161												18	18	18	18	P	P
Heavy construction, except highway & street construction	162												18	18	18	18	P	P
General building contractors	163												18	18	18	18	P	P
SPECIAL TRADE CONSTRUCTION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Plumbing, heating & air decorating	171												18	18	18	18	P	P
Painting, paper hanging & decorating	172												18	18	18	18	P	P
Electrical work	173												18	18	18	18	P	P
Masonry, stonework, tile setting, plastering & lathing	174												18	18	18	18	P	P
Carpentry	175												18	18	18	18	P	P
Floor laying & Other floor work not elsewhere classified	175												18	18	18	18	P	P
Roofing & sheet metal work	176												18	18	18	18	P	P
Concrete work	177												18	18	18	18	P	P
Oil & Water well drilling	178												18	18	18	18	P	P
Misc. special contractors	179												18	18	18	18	P	P
Junk Yards - Scrap & Waste wholesaling - see section 19.11	180																	C
Other industrial non-manufacturing not elsewhere classified	190																C	C
MANUFACTURING																		
FOOD & KINDRED PRODUCTS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Meat products	201																11	11
Dairy products	202																P	P
Canning & Preserving fruits, vegetables & seafoods	203																11	11
Grain mill products	204																P	P
Bakery products	205																P	P
Sugar	206																P	P
Confectionery & related products	207													25			P	P
Beverage industries	208																P	P
Miscellaneous food preparations & kindred products	209																C	P
Distilled Spirits																		

TOBACCO MANUFACTURERS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Cigarettes	211																P	P
Cigars	212																P	P
Tobacco & snuff	213																P	P
Tobacco stemming & redrying	214																P	P
Textile Mill Products	220																	C
Dyeing & finishing textiles	226																	C
Floor covering mills	227																	C
Yarn & thread mills	228																	C
Miscellaneous textile goods	229																	C
APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Men's, youth's boy's suits & clothing	231																P	P
Women's misses & Junior's clothing	232																	
Hats, caps & millinery	233																P	P
Fur Goods	234																P	P
Miscellaneous apparel & accessories	235																P	P
Miscellaneous fabricated textile products	238																P	P
LUMBER & WOOD PRODUCTS, EXCEPT FURNITURE	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Sawmills and planing mills	239																	P
Millwork, veneer, plywood & prefabricated structural wood products	242																	P
Wood Containers	243																	P
Miscellaneous wood products	244																	P
Furniture and Fixtures	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Household furniture	249													10	10	10	P	P
Office furniture	251													10	10	10	P	P
Public building & related furniture	252													10	10	10	P	P
Partitions, shelving lockers & office & store fixtures	253													10	10	10	P	P
Miscellaneous furniture & fixtures	254													10	10	10	P	P
	259																	

PAPER & ALLIED PRODUCTS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Pulp Mills	261																C	P
Paper mills, except building paper mills	262																C	P
Paperboard mills	263																C	P
Converted paper & paperboard products, except containers and boxes	264																C	P
Paperboard containers & boxes	265																C	P
Building paper & building board mills	266																C	P
PRINTING, PUBLISHING & ALLIED INDUSTRIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Newspaper Publishing & Printing	271															19	P	P
Periodical publishing & printing	272															19	P	P
Books	273															19	P	P
Miscellaneous publishing	274															19	P	P
Commercial printing	275															19	P	P
Manifold business forms manufacturing	276															19	P	P
Greeting card manufacturing	277															19	P	P
Bookbinding and related industries	278															19	P	P
Service industries for the printing trade	279															P	P	P
CHEMICAL AND ALLIED PRODUCTS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Industrial inorganic & organic chemicals	281																C	P
Plastics materials & synthetic resins, synthetic rubber & synthetic & other manmade fibers except glass	282																C	P
Drugs	283																C	P
Soaps, detergents & cleaning preparations; perfumes, cosmetics & other toilet preparations	284																C	P
Paints, varnishes, lacquers, enamels & allied products	285																C	P
Gum & wood chemicals	286																C	P
Agricultural chemicals	287																C	P
Miscellaneous chemical products																	C	P
PETROLEUM REFINING & RELATED INDUSTRIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Petroleum refining	291																	C
Paving & roofing materials	295																	P
Misc. products of petroleum & coal	299																	C

RUBBER & MISCELLANEOUS PLASTIC PRODUCTS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Tires, tubing & Recapping	301																	P
Rubber footwear	302																	P
Reclaimed rubber	303																	C
Fabricated rubber products	306																	P
Misc. plastics products	307																	P
LEATHER & LEATHER PRODUCTS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Leather tanning & finishing	311																	C
Industrial leather belting & packing	312																	C
Boot & shoe cut stock	313																	C
Footwear, except rubber	314																P	P
Gloves & mittens	315																P	P
Luggage	316																P	P
Handbags & other personal leather goods	317																P	P
STONE, CLAY & GLASS PRODUCTS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Flat glass	321																	C
Glass & glassware, pressed or blown	322																	C
Glass products made of purchased glass	323																	P
Cement, hydraulic	324																	P
Structural clay products	325																	C
Pottery & related products	326													20	20	20	P	P
Concrete, gypsum & plaster products	327																C	P
Cut stone & stone products	328																C	P
Abrasive & Miscellaneous nonmetallic mineral products	329																C	P
PRIMARY METALS INDUSTRIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Blast furnaces, steelworks & rolling & finishing mills	331																	C
Iron & steel foundries	332																	C
Primary smelting & refining of nonferrous metal alloys	333																	C
Secondary smelting & refining of nonferrous metals alloys	334																	C
Rolling, drawing & extruding of nonferrous metals	335																	C
Nonferrous foundries	336																	C
Misc. primary metals industries	339																	C

FABRICATED METALS PRODUCTS EXCEPT ORDINANCE, MACHINERY & TRANSPORTATION EQUIPMENT																		
	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Metal cans	341													16	16	16	P	P
Cutlery, hand tools & general hardware	342													16	16	16	P	P
Heating apparatus	343													16	16	16	P	P
Fabricated structural metal products	344													16	16	16	P	P
Screw machine products & bolts, nuts, screws, rivets & washers	345													16	16	16	P	P
Metal stampings	346													16	16	16	P	P
Coating, engraving & allied services	347													16	16	16	P	P
Misc. fabricated wire products	348													16	16	16	P	P
Misc. fabricated metal products	349													16	16	16	P	P
MACHINERY, EXCEPT ELECTRIC	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Engines & turbines	351																	P
Farm machinery & equip.	352																	P
Construction, mining & materials handling, machinery & equipment	353																	P
Metalworking machinery and equipment	354																	P
Special industry machinery, except metalworking machinery	355																	P
General industrial machinery & equipment	356																	P
Office, computing & accounting machines	357																	P
Service industries machines	358																	P
Misc. machinery, except electrical	359																	P
ELECTRICAL MACHINERY EQUIPMENT & SUPPLIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Electrical transmission & distribution equipment	361																9	P
Electrical industrial apparatus	362																9	P
Household appliances	363																9	P
Electrical lighting & wiring equipment	364																9	P
Radio & Television receiving sets	365																9	P
Communication equipment	366																9	P
Electronics components & accessories	367																9	P
Miscellaneous electrical machinery, equipment & supplies	369																9	P

TRANSPORTATION EQUIPMENT	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Motor Vehicles & Motor Vehicle Equip.	371																	P
Aircraft & parts	372																	P
Ship & boat-building & repairing	373																	P
Railroad equipment	374																	P
Motorcycles, bicycles & parts	375																	P
Misc. transportation equipment	379																	P
PROFESSIONAL, SCIENTIFIC & CONTROLLING INSTRUMENTS, PHOTOGRAPHIC & OPTICAL GOODS, WATCHES & CLOCKS																		
	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Engineering laboratory & scientific research instruments & associated equip.	381													C	C		P	P
Instruments for measuring, controlling & indicating physical characteristics	382													C	C		P	P
Optical instruments & lenses	383													C	C		P	P
Surgical medical & dental instruments & supplies	384													C	C		P	P
Ophthalmic goods	385												21	C	C	21	P	P
Photographic equipment & supplies	386													C	C		P	P
Watches, clocks, & clockwork operated devices: parts	387													C	C		P	P
MISC. MANUFACTURING INDUSTRIES																		
	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Jewelry, silverware & plated ware	391																C	P
Musical instruments & parts	393																C	P
Toys, amusements, sporting & athletic goods	394																C	P
Pens, pencils & other office & artists' materials	395																C	P
Costume jewelry, costume novelties, buttons & misc. notions, except precious jewelry	396																C	P
Misc. manufacturing industries	398																C	P
Ordnance & accessories	399																	C
Transportation, Communications & Utilities																		
Local & suburban passenger transportation	411													P	P	P	P	P
Taxicabs	412													P	P	P	P	P
Intercity and rural highway passenger transportation	413													P	P	P	P	P
Passenger transportation charter service	414													P	P	P	P	P
Terminal & service facilities for motor freight transportation	417													C	C		P	P
Trucking transportation services	418													C	C		P	P

STORAGE AND WAREHOUSING INDUSTRIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Farm product warehousing and storage	461	P															P	P
Refrigerated food warehousing except food lockers	462																P	P
Food lockers, with or without food preparation facilities	463																P	P
Household goods warehousing and storage	464																P	P
General warehousing & storage	465																P	P
Special warehousing & storage not elsewhere classified	466																P	P
TRANSPORTATION SERVICES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Travel agents & bureaus	491												P	P	P	P	P	P
Customs brokers	491												P	P	P	P	P	P
Freight forwarders	491																P	P
COMMERCIAL WHOLESALE	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Motor Vehicles & automotive equipment	501													P	P		P	P
Drugs, chemicals & allied products	502																P	P
Dry goods and apparel	503																P	P
Groceries & related products	504																P	P
Farm products--raw materials	505	P															P	P
Electrical	506																P	P
Hardware & plumbing & heating and air conditioning & refrigeration equip.	507																P	P
Machinery, equipment & supplies	508																P	P
Miscellaneous wholesalers	509																P	P
RETAIL TRADE (BUILDING HARDWARE & FARM EQUIPMENT)	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Lumber & other building materials dealers	521													P	P		P	P
Heating & plumbing equipment dealers	522													P	P		P	P
Paint, glass & wallpaper stores	523													P	P	P	P	P
Electrical supply stores	524													P	P		P	P
Hardware & farm equipment	525	P												P	P		P	P

RETAIL TRADE (GENERAL MERCHANDISE)																		
	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Department stores	531													P	P	P		
Mail order houses	532																P	P
Limited price variety stores	533													P	P	P		
Merchandise vending machine operators	534																P	P
Direct selling organizations	535													P	P	P		
Misc. general merchandise stores	539													P	P	P		
RETAIL TRADE - FOOD	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Grocery stores & delicatessens	541												P	P	P	P	P	
Meat & fish markets	542												P	P	P	P	P	
Fruit stores & vegetable markets	543												P	P	P	P	P	
Candy, nut & confectionery stores	544											C	P	P	P	P	P	
Dairy products stores	545												P	P	P	P	P	
Retail bakeries	546											C	P	P	P	P	P	
Miscellaneous food stores	549												P	P	P	P	P	
AUTOMOTIVE DEALERS & GASOLINE SERVICE STATIONS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Motor vehicle dealers, new & used	551													P	P		P	
Motor vehicle dealers, used only	552													P	P		P	
Tire, battery & accessory dealers	553													P	P		P	
Gasoline service stations	554												P	P	P		P	P
Mobile home dealers, new & used	555														P		P	
Misc. aircraft, marine & automotive dealers	559													P	P		P	
RETAIL TRADE - APPAREL & ACCESSORIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Men's & boy's clothing & furnishing stores	561												P	P	P	P		
Women's ready-to-wear stores	562												P	P	P	P		
Women's accessory & specialty stores	563												P	P	P	P		
Children's & infant's wear stores	564												P	P	P	P		
Family clothing stores	565												P	P	P	P		
Shoe Stores	566												P	P	P	P		
Custom tailors	567												P	P	P	P		
Furriers & fur shops	568												P	P	P	P		
Misc. apparel & accessory stores	569												P	P	P	P		

RETAIL TRADE-FURNITURE HOME FURNISHING & EQUIPMENT																		
	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Furniture, home furnishing & equipment stores	571												P	P	P	P	P	
Household appliance stores	572												P	P	P	P	P	
Radio, television & music stores	573												P	P	P	P	P	
RETAIL TRADE-EATING & DRINKING PLACES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Eating & drinking places	581												14	P	P	12	P	
RETAIL TRADE- MISCELLANEOUS																		
RETAIL STORES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Drugstore & Proprietary Stores	591									C		P	P	P	P	P		
Liquor Stores	592												P	P	P	P		
Antique stores & secondhand stores	593												P	P	P	P		
Bookstores & stationary stores	594												P	P	P	P		
Sporting goods stores & bicycle shops	595												P	P	P	P		
Farm & Garden supply stores	596	P												6	P	7	P	P
Jewelry stores	597												P	P	P	P		
Fuel & Ice dealers	598													P	P		P	P
Finance, insurance & real estate	600											13	P	P	P	P	P	
Credit agencies other than banks												13	P	P	P	P	P	
Security, commodity brokers, dealers exchanges services	602											13	P	P	P	P	P	
Insurance carriers	603								C	5		P	P	P	P	P		
Insurance agents	604								C	5		P	P	P	P	P		
Real Estate	605								C	5		P	P	P	P	P		
Combination of real estate insurance, loan or law office	606								C	5		P	P	P	P	P		
Holding & other investment companies	607								C	5		P	P	P	P	P		
Banking	608											13	P	P	P	P	P	
PERSONAL SERVICES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Laundries, laundry services, cleaning & dyeing plants	611												8	P	P	P	P	
Photographic studios, including commercial photography *(also psychic/astrology)	612											C	P	P	P	P		
Beauty shops	613									C		P	P	P	P	P	C	
Barber shops	614									C		P	P	P	P	P	C	
Shoe repair, shoe shine parlors, & hat cleaning shops	615											P	P	P	P	P		
Funeral Service	616											P		P	P	P		

PERSONAL SERVICES - continued	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Crematories																	P	P
Pressing, alteration & garment repair	617											8	8	P	P	P	P	
Catering Services												C	P	P	P	P		
Advertising	621											P	P	P	P	P		
Consumer credit reporting agencies, mercantile reporting agencies, adjustment & collection agencies	622											P	P	P	P	P		
Duplicating, addressing, blueprinting, photocopying mailing, mailing list & stenographic services	623											P	P	P	P	P	P	
News syndicates	625											P	P	P	P	P		
Private employment agencies	626											P	P	P	P	P		
AUTOMOBILE REPAIR, SERVICE & GARAGES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Automobile rentals, without drivers & driveways	631												P	P	P		P	
Automobile parking *(see also section 19.11)	632											C	P	P	P	P	C	C
Automobile repair shops *(see also section 19.11)	633													P	P		P	
Automobile services, except repair (includes auto wash) *(see section 19.11)	634	22											P	P	P		P	
Trailer rentals (moving van self-rentals)	635	22											P	P	P		P	
MISCELLANEOUS REPAIR SERVICES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Electrical Repair Shops	642												P	P	P	P		
Watch, clock & jewelry repair shops	643												P	P	P	P		
Reupholstery & furniture repair shops	644													P	P	P	P	
Miscellaneous repair shops & related services	649													P	P		P	
INDOOR COMMERCIAL AMUSEMENT SERVICES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Dance Halls, studios & schools	651												P	P	P	P		
Theatrical producers (except motion picture), bands, orchestras	652													P	P	P		
Bowling Alleys	653													P	P			
Billiard & Pool Parlors and Game Rooms	653													17	17			
Motion picture production and distribution	655													P	P		P	
Motion picture service industries	656													P	P		P	
Motion picture theaters	657													P	P	P		
Misc. indoor recreation, not elsewhere classified	659													P	P			

MEDICAL, HEALTH & LEGAL SERVICES																		
	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Offices of physicians & surgeons	671	C										P	P	P	P	P		
Offices of dentists & dental surgeons	672	C										P	P	P	P	P		
Offices of osteopathic physicians	673	C										P	P	P	P	P		
Offices of chiropractors	674	C										P	P	P	P	P		
Legal Services	675	C								5		P	P	P	P	P		
Medical & dental laboratories	676											P	P	P	P	P	P	
Health & allied services * not elsewhere classified, except hospitals, sanatoria, convalescent homes & rest homes (* includes tattoo parlor)	677											P	P	P	P	P	P	
OTHER PROFESSIONAL SERVICES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Engineering & architectural services	681									5		P	P	P	P	P		
Nonprofit educational & scientific research agencies	682									5		C	P	P	P	P		
Accounting, auditing & bookkeeping services	683									5		P	P	P	P	P		
PUBLIC & QUASH-PUBLIC SERVICES																		
PRIVATE SCHOOLS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Private colleges & universities	751	C								C		C	C	P	P	P		
Private junior colleges	752	C								C		C	C	P	P	P		
Private high schools	753	C								C		C	C	P	P	P		
Private junior high schools	754	C								C		C	C	P	P	P		
Private elementary schools	755	C								C		C	C	P	P	P		
Private correspondence & vocational schools	757	C										C	C	P	P			
Private schools not elsewhere classified	759	C										C	C	P	P		P	P
MUSEUM, ART GALLERIES, ARBORETA, LIBRARIES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Museums & Art Galleries	761	C										P	P	P	P	P	P	
Arboreta, botanical & zoological gardens	762	P										P	P	P	P	P	P	
Libraries	763	C										P	P	P	P	P	P	
Churches	764	P	5	5	5	5	5	5	5	5	5	5	P	P	P	P	C	C
Cultural services not elsewhere classified	766												P	P	P	P		
Cemeteries	767														C		C	

HOSPITALS, SANATORIA, CONVALESCENT HOMES & REST HOMES	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
General Hospitals	771											5	P	P	P			
Mental institutions	772	C										5	P	P	P			
Special Hospitals not elsewhere classified	773											5	P	P	P			
Sanatoria, convalescent homes & rest homes	774	C										5	P	P	P			
NONPROFIT ORGANIZATIONS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Business Associations	781	P										P	P	P	P	P	P	
Professional membership organizations	782	P										P	P	P	P	P	P	
Labor Unions & Related organizations	783	P										P	P	P	P	P	P	
Civic social & fraternal associations	784	P										P	P	P	P	P	P	
Political organizations	785	P										P	P	P	P	P	P	
Charitable organizations	786	P										P	P	P	P	P	P	
Nonprofit membership organizations not elsewhere classified	787	P										P	P	P	P	P	P	
RECREATION OUTDOOR																		
PUBLIC LAND RECREATION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Playgrounds, play fields & tot lots	801	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Major Parks (5 or more acres)	802	C											C	C	C		C	C
Minor Parks (less than 5 acres)	803	C											C	C	C		C	C
Stadia & fairgrounds	804	C												C	C		C	C
Camps & campgrounds	805	C											C	C	C			
Golf Courses	806	C	C															
Skating rinks	808													C	C			
Outdoor public land recreation not elsewhere classified	809												C	C	C			
OUTDOOR WATER BASED PUBLIC RECREATION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Boating areas	811	C												C	C	C		
Beach areas	812	C												C	C	C		
Fishing sites	813	C																
Swimming pools - outdoor	814	C												C	C			
INDOOR PUBLIC RECREATION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Swimming Pools	821	C												C	C	C		
Arenas	822	C														C		
Skating rinks	823	C												C	C	C		
Community Centers	824	C												C	C	C		

OUTDOOR PRIVATE LAND RECREATION (OPERATED FOR PROFIT)	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Stadia	831	C															C	C
Race Tracks	832	C															C	C
Camps & campgrounds	833	C											C	C	C			
Riding academics	834	C																
Skating rinks	835	C												C	C			
Drive-in Theaters		C													C		C	
OUTDOOR WATER-BASED PRIVATE RECREATION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Boating areas	841	C											C	C	C	C		
Beaches	842	C												C	C	C		
Fishing sites	843	C											C	C	C	C		
Swimming pools, outdoor	844	C											C	C	C			
INDOOR PRIVATE RECREATION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Swimming pools	851	C											C	C	C	C		
Arenas	852	C														C		
Skating rinks	853	C												C	C	C		
OPEN LANDS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Conversation lands	861	C																
Wildlife areas	862	C																
Forest preserves	863	C																
PRIVATE NONPROFIT RECREATION	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Subdivision parks	871	C	C	C	C	C	C	C	C	C	C							
Subdivision community centers	872	C	C	C	C	C	C	C	C	C	C		C					
Camps (Boy Scouts, etc.)	873	C											C	C	C			
Golf Course, country clubs, etc.	874	C	C	C	C	C	C	C	C	C	C							
MISCELLANEOUS	CODE	AG	RE	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	CB	IC	IG
Charitable Indigent Limited Care Facility			15			15	15	15	15	15		15	15	15	15	15		
Day Care Centers		24	C	C	C	C	C	C	C	24	24	24	24	24	24	24	24	24
Shared Family Dwelling/ Mini Nursing Homes								C	C	P		C						
Bed & breakfast		C								C								
Mini-warehouse/ self-storage facilities		P											C ²⁷	C ²⁷	C ²⁷	C ²⁷	P	P
Computer Processing Center																		23

4.06 Noted Special Conditions:

1. Garden crop but no sales structures.
2. Livestock only on lots over five (5) acres.
3. More than one dwelling may be permitted on any farm lot provided it is required for additional family members or for tenants who work on the farm.
4. Semi-Attached and attached single units permitted on individual lots. Two (2) units on the same lot permitted only with approval of the Board of Zoning Adjustments.
5. Permitted only where principal access is to a street designated at least a collector. "RA" and "RB" zone districts included per Ordinance No. 9, 1987 Series.
6. All operations must be confined to an enclosed building, or enclosed and fully covered on all sides by an opaque ornamental screen, and shall comply with all height and setback requirements, and shall be included in the maximum lot coverage calculations. The sale of automobiles and trucks is exempted from this rule, but all outdoor display areas shall comply with the Parking Regulations in Article 12.
7. Home garden equipment and supplies confined within the structure. No sale of farm equipment or products.
8. Laundry and dry clean pick up stations including clothes cleaning establishments of not more than forty (40) pound capacity and using a closed system process.
9. Manufacturing of products from already prepared materials.
10. Custom shops and upholstery shops in "CG", "CH" and "CB".
11. Processing or freezing of food, dressed meat or poultry, slaughter, rendering or animal processing only as permitted by the BZA and only in the "IG" zone.
12. Table service only. Drive in fast food service not permitted.
13. Drive in facilities prohibited.
14. Conditional use permit required for restaurants with live entertainment, bar, wine, and or liquor by the drink sales.
15. Permitted as an accessory use in any existing church facility and any existing American Red Cross of Salvation Army facility provided that all criteria listed under Article 19.14 are met, and that no new construction is involved to accommodate a use previously vacated within the Church or other building to allow space for Charitable Indigent Limited Care Facility. This in no way implies that these are conditional uses.

This use is permitted as a conditional use in any building within the CG (General Commercial), IC (Industrial Commercial), and the IG (General Industrial) zone districts provided that all criteria in Article 19.01 and Article 19.14 are met and property does not abut any property currently used or zoned as residential.

16. A Conditional use Permit is required, and the following minimum conditions shall be met:
 - A. All operations must be confined to a fully enclosed building and not storage or display of goods or materials is permitted outside the fully enclosed building.
 - B. All operations shall be clearly ancillary to a retail building materials use within the same building or within a building on the same lot.
 - C. The use shall not occupy over fifty percent (50%) of the total floor area of all building on the lot.
17. Game Rooms/ Amusement Arcades are permitted only within a shopping center. Game Rooms/ Amusement Arcades are prohibited from locating in a building under separate ownership or on a single lot.
18. Permitted for business office portion of use only. No equipment used may be located, either temporarily or permanently, at this location.
19. Areas for loading and unloading must be provided off-street.
20. All operations are confined to those being carried out by one person.
21. Permitted in conjunction with the sale of eyeglasses.
22. Must be located along a street classified at least a Major Arterial.
23. The building or site must be used for the input and processing of data via telecommunications, with little to no data entry by personnel at the property. Off-site storage areas are typically required of a computer processing center. The building size for this center shall be not less than 10,000 square feet. This size limitation shall not be waived.
24. Day Care Centers, Nurseries and Kindergartens shall be permitted for up to 35 children, provided that all requirements of Section 19.06 of the Conditional Use Regulations are met. If the day care center, nursery, or kindergarten proposed abuts property zoned or used for residential purposes, a Conditional Use Permit shall be required.

If the proposed day care center, nursery or kindergarten will have more than 35 children, a Conditional Use Permit shall be required.

25. Confectionery manufacture, confectionery and related materials storage facility, confectionery offices, confectionery truck parking, and/or confectionery retail will be permitted subject to the following conditions:
- A. Demolition of existing principal buildings shall not be permitted.
 - B. New construction will be permitted subject to approval of a Final Development Plan, in accordance with Article 5, Development Plan Requirements, by the Frankfort/ Franklin County Planning Commission.
 - C. Additions to existing buildings will be permitted subject to approval of a Final Development Plan, filed in accordance with Article 5, Development Plan Requirements, by the Frankfort/ Franklin County Planning Commission.

26. COMPATIBILITY STANDARDS: APPROVAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS ON INDIVIDUAL LOTS

All single-family detached dwellings on individual lots in residential districts, outside of Manufactured Home Parks or subdivisions, shall conform to these standards. Structures that fail to meet the following standards shall require approval from the Board of Zoning Adjustments prior to the issuance of a building permit.

- A. Foundation The dwelling shall be set on a permanent perimeter foundation that forms a complete enclosure under the exterior walls. If the structure is not designed to be supported by a perimeter foundation, a wall constructed of brick, stone or concrete block shall be installed to give the appearance of a permanent foundation.
- B. Roof The roof pitch shall not be less than a 1:4 ratio except over porches, garages and carports. The roofing material shall be of a type or shall resemble a type commonly found on site-built dwellings.
- C. Minimum width The narrowest portion of the main part of the dwelling shall be no less than twenty (20) feet in width.
- D. Exterior walls The exterior covering of the dwelling unit shall be similar in appearance to materials commonly found on site built dwellings. It shall not reflect light to any greater degree than siding coated with white gloss exterior enamel paint.
- E. Faces Street The longest dimension of the dwelling shall be parallel to the street; unless site built dwellings are common in the surrounding area or unless the Board of Zoning Adjustments determines such orientation would be compatible in the area.
- F. Installations The dwelling shall be properly connected to utilities and, if manufactured off-site, shall be installed on site in accordance with the manufacture's specifications.

27. SELF-STORAGE / MINI-WAREHOUSE: Any proposed such use within the CL, CG, or CH may be permitted by a **conditional use permit**, provided the following design guidelines are satisfied within a development plan:

- A. The subject property shall have frontage and access from a Collector or higher rated street. This shall not be waived or modified.
- B. Demolition of existing principal buildings shall not be authorized by administrative authority, rather only permitted when a development plan is reviewed and approved by the Planning Commission.
- C. New construction will be permitted subject to approval of a Development Plan in accordance with the adopted Subdivision and Development Plan Regulations.
- D. A 100 foot landscaped buffer/easement shall be required for any property adjoining a street right-of-way or residentially zoned property. This 100' landscaped buffer/easement shall contain at a minimum a **triple** row of staggered evergreen trees at not less than 15' off center nor greater than 20' off center. No variance or modification to the dimension of the 100' wide buffer/easement shall be granted, other than as stated in (I) below. Modifications or variances to the plant material shall only be considered after review by the Landscape Committee and approval by the Planning Commission. Interior or perimeter access drives shall not be located inside the 100' buffer/ easement. (This landscape buffer/easement is in addition to any landscaping required within Article 7)

Table for the 100' landscape Buffer/easement:

When	Adjoining	Minimum Buffer/ Easement	Plant Material
Any conditional use permit relating to mini-warehouse / self-storage	Any residential zone or street right-of-way	100'	Triple row, staggered, planting of evergreen trees (C) at 15' – 20' OC

- E. No outside storage yard (boat, trailer, RV, etc.) shall be located inside of any required landscape buffer/easement. Any outside storage yard area that is not located adjacent to a residential zone or right-of-way, shall be set back a minimum of 25 feet from the property line. The outside storage yard area shall be further screened by a 6' privacy fence plus a 3' tall hedge (at time of planting) on all exterior sides located along the immediate perimeter of such storage yard, other than the entrance gate(s),

Table for outside storage yard screening:

When	Adjoining	Minimum setback	Plant Material
Any conditional use permit relating to mini-warehouse / self-storage with outside storage area.	Any residential zone or street right-of-way	100'	Same as "D" above, plus 6' tall privacy fence and 3' hedge
	Any other zone	25'	6' tall privacy fence and 3' hedge

- F. The maximum height of any building shall be 16 feet. The height shall be determined as defined within Article 3.
- G. Access to each unit shall be limited to only internal drives.
- H. Apart from the primary access drive, perimeter access drives shall be setback a minimum of 12 feet when no landscape buffer/easement is required; and perimeter access drive shall not encroach into any required landscape buffer/easement.
- I. Exceptions to the above guidelines:
 - 1. When the entire exterior perimeter of the buildings facing residential zoned property or street right-of-way are constructed with brick or split face cement blocks and the roof(s) are gable or hip contain shingles, the project may be administratively exempt from subsections B, D, & F above. However, the standard landscape requirements within Article 7 shall be required; OR
 - 2. When all storage units are contained within a single building that are fully enclosed, heated and cooled, and provide all access to the units from the interior of the building, the project may be administratively exempt from subsections B, D, & F above. However, the standard landscape requirements within Article 7 shall be required.
- J. When an applicant is seeking Planning Commission review concerning any of the above items, such review shall be completed prior to the Board of Zoning Adjustment's review of the requested Conditional Use Permit.

(Amended 10-30-06)

- 4.07 Planning Commission Interpretations. The use table included herein is not intended to be comprehensive or all inclusive. The Planning Commission or their agent shall interpret the appropriate zone for any land use not specifically listed in the table. Standard land use code numbers are provided in the table to assist in the determination of appropriate comparable or compatible land uses.

4.08 BULK, DENSITY, AND HEIGHT TABLE

ZONE	LOT AREA				SETBACK			SPACE	HEIGHT	FAR	DENSITY	
	MIN. AREA	1ST	ADD.	MIN.	FRONT	SIDE	REAR	LOT	USABLE	MAX	MAX	MAX
	SQ. FT.	UNIT	UNITS	WIDTH AT R.O.W.				COVERAGE	OPEN SPACE	HEIGHT	F . A . R .	UNITS/AC
AG	1.5 AC	1.5 AC	1.5 AC	200 '	50' ROW / 80' C/L	25'	25'	X	X	35'	0.15	1/1.5
RE	1.5 AC	1.5 AC	X	100'	35' ROW / 60' C/L	10'	40'	10%	X	35'	0.15	1/1.5
RA	15000	15000	X	80'	30'	10'	40'	20%	X	35'	0.4	2.9
RB	9000	9000	X	65'	25'	8'	25'	25%	X	35'	0.5	4.84
RC	5000	5000	X	40'	15'	6'	25'	40%	X	35'	0.4	8.71
RS	6000	(2)	(2)	50'	15' (3)	(4)	25'	40%	X	35'	X	8.7
RD	6000	6000	2500	60' (5)	15'	6'	25'	30%	X	35'	X	10.24
RL	6000	6000	2500	75' (5)	20'	6' (6)	20'	30%	1500/DU FAR	35'	0.6	14.4
RH	6000	6000	1600	85' (5)	15'	6' (7)	20'	30%	750/DU FAR	35'	1.0	24
RM	4000	4000	X	32'	10'	6'	20'	X	X	20'	X	X
CL	NONE	6000	2500	75' (9)	20'	10' (10)	20'	X	X	35'	X	X
CG	NONE	6000	(11)	0	20'	5'	5'	50%	X	75'	2.4	X
CH	NONE	X	X	65'	30'	0 (12)	0	40%	X	NONE	1.2	X
CB	NONE	NONE	NONE	NONE	(13)	0	(14)	80%	X	50'	3.2	X
I C	NONE	X	X	NONE	15'	12'	20' (15)	50%	X	50'	1.5	X
I G	20000	X	X	100'	40'	12'	20' (20)	70%	X	50'	2.1	X
*S&P <div> * ALL S & P ZONES are governed by specific bulk, density, and design provisions included in that zone description. </div>												

4.09 Special Notes for Bulk, Density & Height:

1. Where ROW is 50' or greater and platted, setback shall be measured from ROW. Where ROW is less than 50' or unknown, setback shall be measured from center line.
2. Minimum lot for single dwelling: 6,000 square feet. Second dwelling on same lot: 1,000 square feet. Each townhouse or attached dwelling: 2,500 square feet.
3. For attached units staggered front building lines shall have an average front yard of at least 18 feet and at least 15 front yard.
4. Detached single dwellings permitted with "0" lot line on one side provided opposite side yard is 16 feet. Total of both side yards must be 16 feet. Each unit of townhouse complex or semi-attached structures must be 10 feet.
5. Minimum width of single dwelling lot may be 50 feet.
6. Side yard shall be increased by one foot for every two feet of height over 20 feet.
7. Side yard shall be increased by one foot for every three feet of height over 20 feet.
8. Front yard setback minimum of 10 feet on any interior street of a mobile home court or mobile home subdivision. Entire park or subdivision shall set back 25 feet from an peripheral street.
9. No minimum for each unit in a building complex least width for single structure or building complex 75 feet.
10. No side yard for interior units in building complex with common walls. End units or individual buildings 10 foot side yard.
11. Residential units shall have same requirements as those in abutting residential district.
12. No side yard required but if provided shall be 10 feet.
13. No setback is required and setback in excess of five (5) feet shall be prohibited along 200 and 300 blocks of West Main Street, St. Clair Street, and 200 & 300 blocks of West Broadway on the south side of the street.
14. No rear yard is required except where parking is provided at the rear of the buildings. A rear yard of 25 feet shall be provided to insure vehicular maneuverability.
15. When loading is provided from a rail siding at the rear of a structure, no rear yard shall be required.

4.10 Agricultural District “AG”.

- 4.101 Purpose. This district is intended to recognize agricultural land to establish regulations which emphasize agricultural production and preserve a rural character.
- 4.102 General Uses Intended are the raising of agricultural crops or livestock, forestry and hunting or game preserves. Ancillary services inherent to farming are also permitted (see use table). Single dwelling residences, churches, elementary and secondary schools.
- 4.103 Accessory Uses. More than one dwelling may be permitted on each agricultural lot, providing additional dwellings are required for family members or employees who farm the land.
- 4.104 Conditional Uses may be permitted by the Board of Zoning Adjustments. Uses which may be so permitted are indicated in the use table.
- 4.105 Bulk Density and Height
- | | | |
|----|--|-----------|
| A) | Minimum lot size | 1 ½ acres |
| B) | Minimum lot frontage | 200 feet |
| C) | Minimum front yard | 50 feet |
| D) | Minimum side yard | 25 feet |
| E) | Minimum rear yard | 25 feet |
| F) | Minimum spacing between any two dwellings on same tract | 30 feet |
| G) | Maximum height | 35 feet |
| | Except barns, silos, steeples, water towers, windmills, Communication tower and other structures excepted general height exceptions. | |
- * For additional requirements, see Section 4.08, Bulk Density and Height Table.
- 4.106 Off Street Parking. Determined by use in Article 12.
- 4.107 Agricultural Land Use Exemptions- Notwithstanding any other provision of this Zoning Regulation , land which is used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings except that setback may be required for the protection of existing and proposed roads, streets and highways and that all buildings in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

4.11 Residential “E” District “RE”

4.111 Purpose. It is the intent of this district to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is intended to be of very low density and will customarily be located in areas where public sewer facilities are not available or planned.

4.112 General Uses Permitted. Detached single family dwelling units.

4.113 Conditional Uses Permitted. Permitted with approval of Board of Adjustments and subject to conditions defined in Article 19. Home Occupations, nursery schools and day care centers, elementary and secondary schools, parks and public recreation facilities.

4.114 Bulk Density and Height

A)	Minimum lot area	1 ½ acres
B)	Minimum lot frontage	100 feet
C)	Minimum front yard	35 feet *
D)	Minimum side yard	10 feet
E)	Minimum rear yard	40 feet
F)	Maximum lot coverage	10 %
G)	Maximum height	35 feet

4.115 Off-street Parking. Two spaces per residential dwelling unit, others as required in Article 12.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.12 Residential “A” District “RA”

4.121 Purpose. The purpose of this district is to establish and preserve a quiet single family dwelling neighborhood, free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is a low density, large lot, single family dwelling district but requires a full range of community facilities.

4.122 General Uses Permitted. Detached single dwelling residential units; churches in accordance with Section 4.06 (5).

4.123 Conditional Uses Permitted. With approval of the Board of Zoning Adjustments and subject to conditions defined in Article 19, home occupations, nursery schools, day care centers, elementary and secondary schools, parks and public recreation facilities.

4.124 Bulk Density and Height. *

A)	Minimum lot area	15,000 sq feet
B)	Minimum lot frontage	80 feet
C)	Minimum front yard	30 feet
D)	Minimum side yard	10 feet
E)	Minimum rear yard	40 feet
F)	Maximum lot coverage	20 %
G)	Maximum height	35 feet

4.125 Off-Street Parking. Two spaces per dwelling unit, other uses as required in Article 12.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.13 Residential “B” District “RB”

- 4.131 Purpose. It is the intent of this district to establish and preserve a quiet single family home neighborhood free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is a medium density single dwelling district but requires a full range of community facilities.
- 4.132 General Uses Permitted. Detached single family dwelling units; churches in accordance with Section 4.06 (5).
- 4.133 Conditional Uses Permitted. With the approval of the Board of Zoning Adjustments and subject to conditions defined in Article 19. Home occupations, nursery schools, day care centers, elementary and secondary schools, parks and public recreation facilities.
- 4.134 Bulk Density and Height. *
- | | | |
|----|----------------------|---------------|
| A) | Minimum lot area | 9,000 sq feet |
| B) | Minimum lot frontage | 65 feet |
| C) | Minimum front yard | 25 feet |
| D) | Minimum side yard | 8 feet |
| E) | Minimum rear yard | 25 feet |
| F) | Maximum lot coverage | 25 % |
| G) | Maximum height | 35 feet |
- 4.135 Off-Street Parking. Two spaces per dwelling unit, other uses as required in Article 12.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.14 Residential “C” District “RC”

4.141 Purpose. It is the intent of this district to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient to and compatible with the residence of such neighborhood. This district is intended to provide a medium density single family environment on small lots. It is particularly appropriate to more densely developed areas of Frankfort, but may be suited to new developments where higher density is desirable.

4.142 Permitted Uses. Detached single family dwelling units.

4.143 Conditional Uses Permitted. With approval of the Board of Zoning Adjustments and subject to conditions defined in Article 19, home occupations, nursery schools and day care facilities, elementary and secondary schools, parks and recreation facilities, semi-attached dwellings.

4.144 Bulk Density and Height *

A)	Minimum lot area	5,000 sq feet
B)	Minimum lot frontage	40 feet
C)	Minimum front yard	15 feet
D)	Minimum side yard	6 feet
E)	Minimum rear yard	25 feet
F)	Maximum lot coverage	40 %
G)	Maximum height	35 feet

4.145 Off-street parking. Two spaces per dwelling unit.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.15 Special Residential “RS”

4.151 Purpose. To establish and preserve quiet neighborhood single family and attached single dwellings, free from other uses which are not compatible with residential, but permitting certain non-residential uses which are compatible with and convenient to the residents. The purpose of these districts is to provide an opportunity to develop single dwelling housing in a variety of housing types not found in conventional house and lot arrangements.

4.152 Permitted Uses. Detached, semi-attached, and attached (townhouse) single dwelling units.

4.153 Conditional Uses. Detached or semi-attached two family units, churches, elementary or secondary schools, parks, playgrounds and recreational facilities, and home occupations.

4.154 Bulk Density and Height *

A)	Lot area for each dwelling	
	Detached single dwelling	6,000 sq. ft.
	Semi-attached	5,000 sq. ft.
	Attached	2,500 sq. ft.
	Permitted second dwelling on same lot	4,000 sq. ft.
B)	Minimum lot frontage for each dwelling	
	Detached	50 ft.
	Semi-attached	40 ft.
	Attached end units	40 ft.
	Interior units	16 ft.
C)	Front yard	
	Minimum front yard (detached)	25 ft.*
	Attached and semi-attached units shall average at least	15 ft. *
D)	Side yard	
	Detached, least yard	0 ft.
	Detached, minimum combined side yards	16 ft.
	Semi-attached, unattached side	10 ft.
	Attached, end units	10 ft.
E)	Minimum rear yard	25 ft.
F)	Maximum lot coverage	40 %
G)	Maximum height	35 ft.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.155 Off-street Parking. Two spaces per dwelling unit.

4.156 Design Criteria. At the time of application for a Special Residential “RS” zoning district classification, the applicant shall submit a proposed plan for development to the Planning Commission.

- A) The plan shall clearly identify those lots to be developed.
 - 1. For detached dwellings
 - 2. With “0” lot line
 - 3. As semi-attached dwellings
 - 4. As attached (townhouse) dwellings
 - 5. With two dwellings per lot
- B) All streets, sidewalks, drives, and parking areas shall be shown.
- C) Any permitted non-residential uses shall be shown.
- D) Landscape areas to be provided in accordance with Article 7, Landscape Regulations.
- E) Lots including two dwellings per lot shall be limited to 20% of the development.
- F) An architectural rendering of a typical building shall be submitted for each type of structure to be included in the development.
- G) Where townhouse units are proposed, not more than two (2) such contiguous units shall be established at the same setback. Each break in the fascia plane shall be at least three (3) feet.

4.16 Two Dwelling District “RD”

4.161 Purpose. To establish and preserve quiet neighborhoods of single and two family homes, free from other uses except those kinds which are both compatible with and convenient to the residents of such districts. It is expected the overall density of the “RD” districts to be relatively low, averaging about ten (10) units per acre.

4.162 Permitted Uses. Single family dwellings and two family dwellings.

4.163 Conditional Uses. Parks, recreation facilities, elementary and secondary schools, day care facilities and nurseries, home occupations, other uses indicated in the use table, all as approved by the Board of Zoning Adjustments.

4.164 Bulk Density and Height *

A)	Lot area requirements	
	Minimum area, first unit	6,000 sq. ft.
	Additional area, second unit	2,500 sq. ft.
B)	Minimum lot frontage	
	One unit	50 ft.
	Two units	60 ft.
C)	Minimum front yard	15 ft.
D)	Minimum side yard	6 ft.
E)	Minimum rear yard	25 ft.
F)	Minimum lot coverage	30 %

4.165 Off-Street Parking. Two spaces per dwelling unit, or as otherwise required in Article 12.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.17 Low Density Multifamily District “RL”

- 4.171 Purpose. To establish and preserve a medium density district primarily of low density multi-family dwellings and excluding uses which are not compatible with residential uses. Certain non-residential uses which are of particular convenience to the residents may be permitted. Approximate density for the “RL” district is 16 dwelling units per acre.
- 4.172 Permitted Uses. Two family dwellings, multifamily dwellings, townhouses and churches.
- 4.173 Conditional Uses. Parks, recreation facilities, schools, day care centers, nurseries, home occupation, professional offices.
- 4.174 Bulk Density and Height*

A)	Lot area requirements	
	Minimum lot area, first unit	6,000 sq. ft.
	Lot area, each additional unit	2,500 sq. ft.
B)	Minimum lot frontage	
	Single dwelling	50 ft.
	Multiple dwelling	75 ft.
C)	Minimum front yard	20 ft.
D)	Minimum side yard	6 ft. *
E)	Minimum rear yard	20 ft.
F)	Usable open space, per unit	1,500 sq. ft.
G)	Maximum height	2:1 height to yard ratio *
H)	Maximum lot coverage	30 %

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

- 4.175 Off-Street Parking. One space per dwelling unit plus ½ space each bedroom. Others as indicated in Article 12.
- 4.176 Special Design Considerations
- A) Townhouse units shall comply with the same bulk and density standards as set out in the “RS” zone.
- B) Landscape areas to be provided in accordance with Article 7, Landscape Regulations.
- C) On any RL lots abutting, adjacent to, or on the same street as, any RA, RB, RC, RS, or RD district, parking shall be prohibited in front of structures.
- D) Principal access to any RL district should be from a collector street.

4.18 High Density Multifamily District “RH”

4.181 Purpose. To establish and preserve a high density multi-family residential district. Approximate density for the “RH” district is 24 dwelling units per acre.

4.182 Permitted Uses. Two family dwellings, multifamily dwellings, townhouses, churches, professional offices in accordance with 4.186 and 4.187 elementary and secondary schools, convenience retail and personal service facilities.

4.183 Conditional Uses. Day care centers, nurseries, home occupations, nursing homes, convalescent centers, Bed and Breakfast Homes within a single family residence.

4.184 Bulk Density and Height *

A)	Lot area requirements	
	First dwelling unit	6,000 sq. ft.
	Each additional unit	1,600 sq. ft.
B)	Minimum lot frontage	
	Single dwelling	50 ft.
	Multiple dwelling	85 ft.
C)	Minimum front yard	15 ft.
D)	Minimum side yard	6 ft. *
E)	Minimum rear yard	20 ft.
F)	Usable open space, per unit	750 sq. ft.
G)	Maximum lot coverage	30 %
H)	Maximum height	3:1 height to yard ratio *

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.185 Off-Street Parking. One space per unit, plus ½ space for each bedroom; others as indicated in Article 12.

4.186 Design Requirements.

- A) Townhouse units shall comply with bulk and density regulations in the “RS” district.
- B) Landscaping to be provided in accordance with Article 7, Landscape Regulations.
- C) Parking shall be prohibited in front of any structure in any “RH” district along the same street as any “RA, RB, RC, RS or RD” District.
- D) Principal access to any “RH” district shall be from at least a collector street.

- E) Regardless of building orientation on its lot a front yard setback shall be required adjacent to any wall containing a building entrance and a rear yard setback shall be required adjacent to the opposite wall.

4.187 Special Use Regulations.

- A) Professional office structures shall be limited to 5,000 square feet.
- B) Professional offices within any multi-family residential structure shall be limited to the first story and shall have their entrance from inside the building.
- C) Retail or personal service uses shall be limited to the first floor of a residential structure, and have their entrance from an interior building corridor. No sign or advertising may be located outside the building. Only uses listed in this use table may be permitted.

4.19 Mobile Home District “RM”

- 4.191 Purpose. To establish and provide for districts for mobile home subdivisions and mobile home parks in a residential neighborhood free from incompatible uses and in a safe, sanitary, attractive environment.
- 4.192 Permitted Uses. Mobile homes on individual lots or mobile homes within a mobile home park.
- 4.193 Conditional Uses. Laundries, storage buildings, recreational facilities, offices for the park or subdivision administration, home occupations, incidental retail uses for convenience of residents, provided laundries and incidental retail uses shall be limited to 3,000 square feet of structure for each 100 mobile units and to a maximum of 10,000 square feet.
- 4.194 Bulk Density and Height*
- | | | |
|----|----------------------|---------------|
| A) | Minimum lot area | 5,000 sq. ft. |
| B) | Minimum lot frontage | 32 ft. |
| C) | Minimum front yard | |
| | Street entrance | 25 ft. |
| | Interior Street | 10 ft. |
| D) | Minimum side yard | 6 ft. |
| E) | Minimum rear yard | 20 ft. |
| F) | Maximum height | 20 ft. |

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

- 4.195 Off-Street Parking. Two spaces per mobile homes, or as indicated in Article 12.
- 4.196 Design Criteria for Subdivision shall be the same as required by the Frankfort/ Franklin County Subdivision Regulations except:
- | | |
|----|--|
| A) | Lot sizes are permitted as indicated in 4.194. |
| B) | Lot lines are not required to be at right angles to streets. |
| C) | All streets shall be constructed collector street standards for base and pavement thickness. |

4.197 Design Criteria for Mobile Home Parks

- A) Lot, block and street requirements shall be the same as 4.196.
- B) There shall be a 25 foot landscaped buffer area around the periphery of any mobile home parks, to be in accordance with the requirements for High-density residential in Article 7, Landscape Regulations.
- C) Each mobile home park shall provide and maintain a recreation area equal to 500 sq. ft. for each mobile home park.
- D) Minimum size for any mobile home parks shall be ten (10) acres.
- E) Minimum number of mobile homes sites available for occupancy shall be 10.
- F) All utilities and wires shall be underground.
- G) Each mobile home site shall be provided with a concrete pad consisting of a 6 inch thick poured Portland cement apron not less than width and length of the mobile home to be maintained thereon.
- H) As an alternative to off street parking, required parking may be provided on streets within a mobile home park provided such street is at least thirty six (36) feet wide, curb to curb, and provided the average width of a mobile home lot is at least forty (40) feet.
- I) All mobile homes shall be skirted to cover the undercarriage or wheels.
- J) All mobile home sites shall be provided with tie downs.
- K) All mobile home parks shall comply with the City of Frankfort Site Plan Regulations.

4.198 Enlargement of Existing Mobile Home Parks. Any enlargement or extension or any existing mobile home park shall comply with these regulations.

4.199 Mobile Homes in Other Zones. Unless specifically listed as a permitted use, no mobile home shall be parked or maintained and used as a dwelling in any zone other than "RM".

4.20 Professional Office District “PO”

- 4.201 Purpose. To establish and provide for office and related uses serving as an incentive to remodel older residential structures which may not be appropriate to maintain as dwellings. Retail sales shall be prohibited.
- 4.202 Permitted Uses. In general, offices for business professionals, medical and dental, banks, savings and loan companies, brokers and credit agencies where drive-in facilities are not permitted.
- 4.203 Conditional Uses. Veterinarians offices, banks, credit agencies, savings loan companies with drive-in facilities, nursery schools, day nurseries, child care centers, privately owned parking lots or structures.
- 4.204 Bulk Density and Height for residential uses shall comply with 4.174 “RL” district regulations. Non-residential uses are as follows:*
- | | | |
|----|-------------------------|--------------------------|
| A) | Minimum lot area | 7,000 sq. ft. |
| B) | Minimum lot frontage | 60 ft. |
| C) | Minimum front yard | 25 ft. |
| D) | Minimum side yard | 12 ft. |
| E) | Minimum rear yard | 12 ft. |
| F) | Maximum lot coverage | 35 % |
| G) | Maximum building height | 3:1 height to yard ratio |
| H) | Minimum open space | |

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.205 Off-Street Parking as required in Article 12.

4.206 Design Requirements. Landscaping shall be provided in accordance with Article 7, Landscape Regulations.

4.21 Limited Commercial District “CL”

4.211 Purpose. To establish and preserve districts of limited and low intensity commercial uses. This zone is intended to provide retail goods and services required for the regular convenience of neighborhood residence or to provide a transition between residential development and other more intense land use districts. Certain design requirements are established to insure compatibility with residential uses. Drive-in sales of any type are prohibited except as provided under Section 4.213.

4.212 Permitted Uses. Retail uses, offices and multifamily residences, as all indicated in the use table.

4.213 Conditional Uses. Animal hospitals and veterinary clinics, bars and taverns, automated and self serve car washes provided that property does not abut any parcel currently used or zoned for residential purposes, that surface water from such establishments shall not drain onto adjacent streets or property, and that adequate onsite storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

Drive-in uses provided that property does not abut any parcel currently used or zoned for residential purposes, and that adequate onsite storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

4.214 Bulk Density and Height for residential uses shall comply with 4.174 “RL” district regulations. Nonresidential uses are as follows: *

A)	Minimum lot area	None
B)	Minimum Lot Frontage	
	Each building group	75 ft.
	Each unit	None
C)	Minimum front yard	20 ft.
D)	Minimum side yard	10 ft—end unit of group-10 ft.
E)	Minimum rear yard	20 ft.
F)	Maximum lot coverage	None
G)	Maximum height	35 ft.
H)	Minimum landscape area	20 %

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.215 Off-street Parking as required in Article 12.

4.216 Design Requirements

A) Principal means of access shall be to a collector street or arterial street.

B) All structures shall be designed to be compatible with residences in adjoining districts.

1) All roofs shall have pitch equal to the average pitch of roofs on the same block.

2) No structure may have an exposed exterior wall of block or construction walls.
All exterior surfaces shall be faced with an architectural siding.

C) Landscaping shall be provided in accordance with Article 7, Landscape Regulations.

4.22 General Commercial District “CG”

4.221 Purpose. To permit commercial development of community serving nature predominantly in areas already developed and where a change in development pattern is in accordance with the comprehensive plan. To preserve the carrying capacity of streets and to insure adequate parking. To provide concentrations of general commercial activities.

4.222 Permitted Uses. In general; retail, office and service uses are permitted. Detailed uses are listed in the use table.

4.223 Conditional Uses. Helicopter landing pads, tire recapping, warehousing facilities in conjunction with permitted principal uses, multifamily residential uses when abutting a residential district.

4.224 Bulk Density and Height*

A)	Minimum lot area	None
B)	Minimum lot Frontage	40 ft.
C)	Minimum front bldg. line setback	20 ft.
D)	Minimum side yard	5 ft.
E)	Minimum rear yard	5 ft.
F)	Maximum lot coverage	50 %
G)	Maximum height	75 ft.
H)	Minimum floor area ratio	2.4

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.225 Off-street Parking. In accordance with use and requirements of Article 12.

4.226 Design Requirements

- A) In any newly proposed “CG” district, cross access to adjacent land or development site should be provided. Direct access from an arterial street shall be discouraged. *(amended 7-24-06 Ord # 15, 2006)*
- B) Landscaping shall be provided in accordance with Article 7, Landscape Regulations.
- C) Any residential uses provided in the “CG” district shall comply with the standards established in the “RH” district (Section 4.18).

4.23 Highway Commercial District Zone “CH”

4.231 Purpose. To establish and provide commercial districts which cater primarily to the needs of vehicular oriented trade. To provide orderly development of and concentration of highway oriented uses near interchanges. To recognize the need for larger land masses required for commercial facilities serving a traveling public.

4.232 Permitted Uses. In accordance with the use table generally being retail, office and service uses with emphasis on the needs of traveling and motoring public.

4.233 Conditional Uses. Helicopter pads, tire, recapping warehousing in conjunction with principal permitted uses or as indicated in the use table.

4.234 Bulk Density and Height*

A)	Minimum lot size	None
B)	Minimum width	65 ft.
C)	Minimum front bldg. line setback	30 ft.
D)	Minimum side yard 0, if free standing bldg. end unit	10 ft.
E)	Minimum rear yard	None
F)	Maximum lot coverage	40 %
G)	Maximum height	None.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.235 Off-street Parking. To be provided in accordance with use and Article 12.

4.236 Design Requirements

- A) All “CH” districts shall front along an arterial highway.
- B) Principle access to individual parcels in the “CH” zone should be from an interior or frontage road. Cross access to adjacent land or development site should be provided. *(amended 7-24-06 Ord # 15, 2006)*
- B) All yard and setback areas shall be landscaped. Front yard should be adjacent to R.O.W.
- C) Landscape areas shall be provided in accordance with Article 7, Landscape Regulations.
- D) Developed parcels in any “CH” district established by this ordinance may continue as constructed. Future redevelopment of any such parcel shall conform to these regulations.

4.24 Central Business District “CB”

- 4.241 Purpose. To establish and preserve a central business district convenient and attractive for a wide range of retail uses, business offices, government and professional offices in a setting conducive to a volume of pedestrian traffic. To protect the historic character of downtown Frankfort by granting the Architectural Review Board the power to review permits for all construction, building additions, remodeling, demolition or moving of structures into or out of the Central Business District.
- 4.242 Permitted Uses. Retail, office, multi-family residential uses, mixed uses (to encourage live above work opportunities), churches and schools, as well as other uses as indicated in the use table but specifically excluding automotive service uses.
- 4.243 Conditional Uses. Parking lots and parking structures.
- 4.244 Bulk Density and Height *
- A) Minimum lot size – None
 - B) Minimum frontage – None
 - C) Front yard requirements – No front yard requirements, except front yards with a setback or no more than five (5) feet shall be permitted along 200 and 300 blocks of West Main Street, St. Clair Street and the 200 and 300 blocks of Broadway.
 - D) Minimum rear yard – None, except where parking is provided in rear of building, minimum shall be twenty-five (25) feet.
 - E) Maximum lot coverage – 80 % with side or rear access and 100 % with front access only.
 - F) Maximum height – 40 feet, within 10 percent of the average height of existing adjacent buildings or any height deemed appropriate by the Architectural Review Board provided that the relationship between the width and height of street façade elevations is proportional to the relationships of street façade elevations of existing adjacent buildings.
 - G) Maximum floor area ratio – 3.2

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

- 4.245 Off-street Parking. No off-street parking is required.
- 4.246 Design Criteria. The central business district in Frankfort is listed on the National Register of Historic Places as a Historic Commercial District. Development and redevelopment should be aimed at preserving that character. The following guidelines shall be used by the Architectural Review Board in determining if new construction, moving a structure into the district, exterior renovations, or demolition is appropriate to the district.
- A) No permit for the construction, demolition, building additions or moving of a structure in the central business district shall be issued by the building inspector unless the Architectural Review Board certifies that the building permit or

demolition permit may be issued. The procedure for issuance of such a certificate shall be the same as provided in Article 17.

- B) The exterior rehabilitation of a structure shall complement the architectural integrity of the façade and shall be compatible with the faces of nearby buildings. For additional design guidelines, reference is made to the City of Frankfort's "A Guide for Downtown Improvements" published April 1981 and Section 17.10 of Article 17 – Architectural Review Board. The guidelines of Article 17 shall prevail in the case of any conflicts between the two guidelines.
- C) Vacant lots resulting from demolition shall be filled and smooth graded to street grade. Street frontages at least five (5) feet deep shall be landscaped and maintained until new construction had been started, in accordance with perimeter landscaping requirements for vehicular use area in Article 7, Landscape Ordinance.
- D) The establishment of courts, plazas and extra building setbacks along West Main St., St. Clair and the 200 to 300 blocks of Broadway are prohibited. Courts and plazas shall be encouraged at the interior or rear of the sites fronting these streets.

4.247 Bonuses for New Construction. To encourage new construction compatible with the intent of the district the following bonuses may be granted:

- A) For providing off street parking within a building but not along frontage of a retail street, lot coverage permitted may be increased to 100 % and the area devoted to parking shall not be included in determining the floor area ratio (F.A.R.) in 4.244.G.
- B) For providing pedestrian plazas or landscaped or open spaces in interior courts or along the Kentucky River, height may be increased twenty-five percent (25 %) and F.A.R. may be increased to 4.0.
- C) For providing retail facility on street frontage of office or residential structures, the F.A.R. may be increased to 4.0.

4.248 Central Business District – Sign Regulations

- A) No signs shall obstruct window or door openings or cover architectural detailing in a manner which alters the integrity of the building.
- B) One sign shall be permitted per street frontage or per tenant.
- C) A maximum of five percent (5%) of the storefront area of any building may be devoted to signs. In instances of multiple tenants, multiple signs may exist provided the total area of sign space does not exceed this limit. In no case shall a tenant be restricted to less than two (2) square feet of sign. The responsibility to see that each tenant receives a portion of this allowable sign space rests solely with the property owner.

- D) Where the property owner chooses to use a portion of the sign area to give the building a specific name (ie. – ABC Office Building), each tenant will be permitted one (1) sign, not to exceed two (2) square feet, to be flush mounted on the façade. The sum total of such signs shall not exceed five (5%) of the storefront area of the building to which they are attached.
- E) Fascia signs are permitted provided they are placed on the lintel above the storefront or in the transom window area. Such signs must be flush mounted. See the illustration at the end of this section for the permitted locations of fascia signs.
- F) Window signs are permitted provided such signs do not exceed five percent (5 %) of the display window area. By definition, window signs shall include those painted on the window surface, both inside and outside, as well as those located within the display area in order to direct attention to the use. One window sign per display window is permitted; however, the total square footage of each permitted window shall not be combined into a single sign. See the illustration at the end of this section for the permitted location of window signs.
- G) No sign shall be internally illuminated.
- H) Signs painted directly on the wall surface of a building shall require the approval of the Architectural Review Board.
- I) No portion of this section is to be interpreted so as to permit both fascia and window signs for the same use.
- J) Signs not placed on lintels, transoms or display windows shall require Architectural Review Board approval before a sign permit can be issued.
- K) Hanging signs shall require approval by the Architectural Review Board. These signs shall not exceed four (4) square feet and shall not extend further than thirty-two (32) inches from the face of the building. (ORD 12-1997)
- L) For additional sign regulations, see Article 13



4.30 Industrial Commercial Districts “IC”

- 4.301 Purpose. The Industrial Commercial District is established to provide an area for wholesaling, warehousing, distribution of goods and certain retail and service functions. Light manufacturing, processing assembly of goods, and products where such process involves only the manufacturing or assembly from pre-manufactured parts or goods is also permitted. Manufacture from raw materials is discouraged. It is intended that all operations be conducted within enclosed buildings and that all uses should be compatible with any adjacent commercial or residential use.
- 4.302 Permitted Uses. Wholesaling, warehousing, distribution, limited retail sales and services. Manufacturing from pre-manufactured parts all in accordance with the use table.
- 4.303 Conditional Uses. Residences for caretakers or watchmen, churches, schools, retail sales of used merchandise.
- 4.304 Bulk Density and Height*

A)	Minimum lot size	None
B)	Minimum lot width	None
C)	Minimum front yard	15 ft.
D)	Minimum side yard	12 ft.
E)	Minimum space between bldg.	24 ft.
F)	Minimum rear yard	20 ft.
	Except when loading from a rail siding	0
G)	Maximum lot coverage	50 %
H)	Maximum height	50 ft.
I)	F.A.R.	1.5

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

- 4.305 Off-street Parking in accordance with use and Article 12.

4.306 Design Criteria

- A) Landscape areas shall be provided in accordance with Article 7, Landscape Regulations.
- C) Any standards for noise, odor or air pollution adopted by the City of Frankfort shall be applicable and shall be measured at any zone district boundary.
- D) All “IC” districts shall front along an arterial highway. Principle access to individual parcels in the “IC” zone should be from an interior or frontage road. Cross access to adjacent land or development site should be provided.

(amended 7-24-06 Ord # 15, 2006)

4.31 General Industrial District “IG”

4.311 Purpose. To establish and preserve areas in Frankfort for the purpose of industrial land use and industrial growth. To limit such areas to functions related to the production of goods and such ancillary uses as are compatible with industry. To provide standards which will protect this community from obnoxious activities associated with industrial production.

4.312 Permitted Uses. Assembly of goods from pre-manufactured parts, manufacturing of goods from raw materials, processing of food products, wholesaling and warehousing.

4.313 Conditional Uses. Production of chemicals or petroleum products, processing animal wastes, storage and processing of food products, wholesaling and warehousing.

4.314 Bulk Density and Height*

A)	Minimum lot size	20,000 sq. ft.
B)	Minimum lot width	100 ft.
C)	Minimum front yard	40 ft.
D)	Minimum side yard	12 ft. (4.316)
E)	Minimum space between bldg.	24 ft.
F)	Minimum rear yard	20 ft. (4.316)
G)	Maximum lot coverage	70 %
H)	Maximum height	50 ft.
I)	F.A.R.	2.1

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.315 Off-street Parking. One space for each two employees on the largest two combined shifts. See Article 12.

4.316 Design Criteria

- A) Landscaping shall be provided in accordance with Article 7, Landscape Regulations.
- B) Any standards for noise, odor or air pollution adopted by the City of Frankfort shall be applicable and shall be measured at any zone district boundary.
- C) Principal access to any “IG” district should be from at least a collector road.

4.40 Special Historic Districts

4.401 Purpose. To protect certain areas of the City of Frankfort having significant historic or architectural character by granting the Architectural Review Board the power to review permits for all variances, conditional use permits, construction, demolition or moving of structures within the district.

4.402 Permitted Uses.

- A. Residential Uses:
 - 1) Single, detached dwelling
- B. Public/ Semi-Public:
 - 1) Churches
 - 2) Libraries and museums
 - 3) Charitable Indigent Limited Care Facility, provided that use shall comply with all criteria in Article 4.06 (20).

4.403 Conditional Uses.

- A. Public/Semi-Public:
 - 1) Day Care and child nursery (per Article 19 - RS District)
 - 2) Home occupations
 - 3) Parks and playgrounds
 - 4) Private clubs
 - 5) Schools
- B. Retail Sales, Services:
 - 1) Antiques
 - 2) Apparel and fabric
 - 3) Flower, gift, jewelry
 - 4) Specialty
 - 5) Restaurant
- C. Funeral Services
- D. Parking lots and parking structures
- E. Multiple dwellings and townhouses, attached
- F. Business and professional offices
- G. Two dwelling, semi-attached
- H. Mixed use of professional office use or retail uses on the first floor and residential use(s) on the second/third floors.
- I. Bed and Breakfast facility per Article 19

(amended 4-28-08)

4.404 Bulk and Density. Because of the wide range of existing density and lot sizes in older neighborhoods, no specific density or setbacks shall be established. Development and redevelopment shall be consistent with the character and density of the neighborhood. The bulk and density of new uses or structures shall be determined by the Architectural Review Board, with the exception to setbacks, which can be administratively approved for fences or walls; and for additions or accessory structures that meet the existing setbacks on the property.

4.405 Height requirements: maximum height is 45 feet.

4.406 Signs. One (1) non-illuminated or indirectly illuminated identification sign limited to one (1) for each street frontage not to exceed four (4) square feet in area and indicating only the name and address of the building and the name of the management. If free standing, the sign shall be set back from the street a distance of at least ten (10) feet from the curb line. Maximum height of free standing sign shall be eight (8) feet.

One (1) non-illuminated business for each tenant or lessee located on the premises, limited to two (2) square feet in area, mounted on the façade of the building and not projecting more than six (6) inches from the façade of the building unless otherwise approved by the Architectural Review Board.

4.407 Off-street Parking. In accordance to Article 12.

4.408 Design Criteria. The Special Historic Districts in Frankfort may be listed on the National Register of Historic Places as historic districts. Development and Redevelopment shall observe the following design criteria:

- A) Assure the continuity of architectural styles, building mass and density, as well as the overall character of the area.
- B) Protect the open space and landscape features of the district.
- C) Conform to the applicable requirements of Article 17 of this ordinance.

4.409 Bonuses for New Construction. To encourage new construction compatible with the intent of the district the following bonuses may be granted:

- A. For providing off street parking within a building but not long frontage of a retail street, lot coverage permitted may increased to 100% and the area devoted to parking shall not be included in determining the floor area ratio (F.A.R.).
- B. For providing pedestrian plazas or landscaped or open spaces in interior courts or along the Kentucky River, height may be increased twenty five percent (25%) and F.A.R. may be increased to 4.0.
- C. For providing retail facility on street frontage of office or residential structures, the F.A.R. may be increased to 4.0.

4.41 Special Capital District

- 4.411 Purpose. To establish a zoning district to encourage the renovation, rehabilitation and preservation of older neighborhoods in Frankfort that have special or unique features or important associations with the City's historical development. These neighborhoods may not have the substantial architectural and historical significance of the Special Capital District, but have a definable characteristic, architectural period or living environment substantially different from those existing or intended in regular zoning districts. The Architectural Review Board shall have the power to review permits for all conditional uses, variances, construction, demolition or moving of structures within the district.
- 4.412 Permitted Uses. Single or two family dwelling units.
- 4.413 Conditional Uses. The Architectural Review Board may grant conditional use permits for the following uses.
- A. Mixed use such as professional office use or retail uses with residential unit or units within the same building – provided all other applicable requirements within this Article and Article 17 are satisfied.
 - B. Multi-family units in new or existing structures provided that the density requirements of the RL zone not be exceeded and provided that usable open space at least be as much as the average of other structures within the same block.
 - C. Professional offices limited to the conversion of existing structures and provided that open space, exclusive of building or other paved area, is at least equal to the average of open space for structures within the same block, but not less than twenty percent (20%) of lot area.
 - D. Retail commercial when limited to 3,000 square feet of floor area for retail use or sit down restaurant/café when limited to a gross floor area of 1,500 sq. ft. Any such use must directly service the surrounding neighborhood and must be located on a collector or arterial street; or located on Second Street between Capital Avenue and Logan Street.
 - E. New syndicates provided that no manufacturing or distribution takes place on site.
 - F. Community Centers provided that parking is provided and that landscaping is provided.
 - G. Child day care facilities meeting all requirements of Article 19 - RS District.
 - H. Bed and Breakfast facility per Article 19.
 - I. Confectionery Manufacturing with associated retail and storage provided the following conditions are met:
 - 1. A demolition of existing principal building(s) shall not be permitted.
 - 2. New construction of additions related to the use of confectionery will be permitted subject to a certificate of appropriateness issued by the Architectural

Review Board and a Final Development Plan (per Article 5) being approved by the Planning Commission.

4.414 Bulk and Density. Because of the wide range of existing density and lot sizes in older neighborhoods, no specific density or setbacks shall be established. Development and redevelopment shall be consistent with the character and density of the neighborhood. The bulk and density of new uses or structures shall be determined by the Architectural Review Board. (ORD 5-2003), with the exception to setbacks, which can be administratively approved for fences and walls; and for additions or accessory structures that meet the existing setbacks on the property.

4.415 Maximum Height. Forty-five (45) feet.

4.416 Signs.

- A. For any nonresidential use within a residential structure signs are limited to two (2) square feet and shall be mounted flush on the façade of the structure.
- B. Identification signs for any residential complex may be two (2) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be flush mounted fascia or ground signs.
- C. Identification of professional offices may be two (2) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be fascia or ground mounted. In addition, each separate office may have a sign limited to two (2) square feet fascia mounted.
- D. Retail commercial uses may have signs as permitted in article 13, however shall be limited to only fascia mounted and non-internally illuminated.
- E. All pole signs are prohibited.

4.417 Off Street Parking. Off street parking for a proposed land use shall be provided in accordance with the requirements of Article 12.

4.418 Design Criteria. At the time of application for any building, remodeling, demolition or moving a structure, or variance or change of use permit when a conditional use permit is required, or for any permit for new construction, the Architectural Review Board shall review and building and site plans to:

- A. Assure the continuity of architectural styles, building mass and density, as well as the overall character of the area and its relationship to the Capital Complex.
- B. Protect the open space and landscape features of the district.
- C. Conform to the applicable requirements of the Article 17 of this ordinance.

4.419 In review of plans proposed for conditional uses or variances, the Board of Architectural Review shall be governed by the guidelines as required by Article 18.

(amended 4-28-08)

4.42 Government District “SG”

- 4.420 Intent. The purpose of this zone is to identify property owned by federal, state, county or municipal governments or by government owned public corporations or agencies, other than that which is or which may become located in the “SH” Historic, or the “SC” Special Capitol District, for the purpose of putting the public on notice that the areas so zoned are outside the jurisdiction of the administrators of this Zoning Regulation and the development thereon is at the discretion of the government owning the property. The same lack of jurisdiction applies to government owned property in the “SH” Historic and the “SC” Special Capitol Districts; however, a greater degree of public concern may temper the proposals for development in those areas and serve to encourage government conformity to the standards for those districts.
- 4.421 Extent. By definition, this zoning classification applies to all property owned by governments and government owned public corporations or agencies, other than those in the “SH” Historic District and the “SC” Special Capitol District; therefore this zoning classification of any property acquired by such government or government owned public corporation or agency, concurrently with such acquisition.
- 4.422 Rights of Government Not Conveyable: The rights of government which prevent it from being subject to the provisions of this Zoning Regulation are not conveyable to an individual, partnership, private corporation or other non-public organization or association, and upon sale or other final release of public property to an individual or other non-public body, any construction or development or use of that property which does not conform to the permitted construction, uses and regulations in force for the zoning district to which such property reverts, becomes a non-conforming use subject to the restrictions of Article 15 of this Zoning Regulation.
- 4.423 Rights of Government Extend to Lessee: The rights of government which prevent it from being subject to the provisions of this Zoning Regulation permit it to develop its property at its own discretion, subject to statutes and regulations based on health and safety, and development of publicly owned property in this zoning district by lessees, whether public or private, shall be subject only to the discretion of the government or government owned public corporation or agency owning the property and such statutes and regulations as are based on health and safety.
- 4.424 Sale, Transfer or Non-Governmental Use.
- A. Upon the sale, transfer or release of property by any government of any property included in the (SG) Special Government District, the Planning Commission shall evaluate the property and establish the most appropriate zoning district available under this ordinance for that land.
 - B. Except as provided in this article, any non-governmental use existing or proposed within the SG District shall be evaluated by the Planning Commission and the most appropriate zoning district shall be assigned that parcel or parcels of land.
 - C. Any change from the SG shall be accomplished in accordance with the procedures for map amendments and public hearings required by those regulations.

ARTICLE 5

DEVELOPMENT PLAN REQUIREMENTS

5.01 Conceptual Development Plan Required for Certain Zone Map Amendment Request.

Applicants requesting a zone map amendment to any Planned Unit Development District, Commercial District or Industrial District shall be required to submit a traffic impact study and a corresponding conceptual Development Plan with the zone change application. (*See also RS District*) The conceptual development plan shall contain the following:

- A. Survey of the property with written legal description. The survey shall be completed not more than 12 months prior to the submittal of the zone map amendment, unless authorized by the Planning Director; and
- B. A site plan drawn to scale showing the proposed building size and location; use; parking layout; setbacks; landscaping buffers; and driveway connections; and
- C. Any variance, conditional use, or waiver requests shall also be noted and shown on the plan.

5.02 Projects Requiring Planning Commission Review.

Any project, which meets any of the following criteria, shall require review of a development plan by the Planning Commission. Contents of said plan shall be those found in the adopted "Subdivision and Development Plan Regulations".

- A. Projects that substantially amend a preliminary or final development plan that had previously been reviewed and approved by the Planning Commission.
- B. Projects that were previously conditioned by any City of Frankfort Board or Commission to undergo a review by the Planning Commission.

5.03 Exemptions.

- A. Applications for amendment to the Zoning District Map which are initiated by the Planning Commission or the City Commission, may be exempt from the required traffic study and development plan found in Section 5.01 above.
- B. Conceptual Development Plan Alternative: Preliminary subdivision plats submitted in conjunction with a proposed zoning map amendment for a residential use, shall be accepted in lieu of the conceptual development plan required in this Article. Regulations pertaining to said plats in the Subdivision and Development Plan Regulations shall be followed in addition to applicable regulations in this Ordinance.

5.04 Avoiding Duplicate Hearings/Meetings.

Variance or Conditional Use Permits: At the time of filing of an application for a zone map amendment, the applicant may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission, per K.R.S. 100.203(5), at the same public hearing set for the map amendment. This application requirements for such conditional use permits or variances shall be the same as if it were filed for a decision by the Board of Adjustments.

5.05 Agreement to Development Plan Conditions:

The filing of an application for any zoning district map amendment shall constitute an agreement by the owner and applicant, their heirs, successors and assigns that if the zoning district map amendment is enacted by the legislative body having zoning authority over the property in question, any building permits for improvement of any such property shall be issued only when the building permit application conforms to the approved development plan and said plan conforms to these regulations and the Subdivision and Development Plan regulations. Violations shall be enforceable in the same manner as the Zoning District Regulations.

5.06 Scope of Planning Commission Review.

The Planning Commission shall consider, but not be limited to, the following factors in review of a development plan:

- A. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views and historic sites;
- B. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and community;
- C. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;
- D. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;
- E. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping, and all provisions within article 11) and land use or uses with the existing and projected future development of the area;
- F. Conformance of the development plan with the Comprehensive Plan , Zoning District Regulations, and the Subdivision and Development Plan Regulations.

(Amended 6-26-06)

ARTICLE 6 BULK, DENSITY, HEIGHT AND AREA PROVISIONS

- 6.01 General Area Provisions. Except as hereinafter provided in this article, no building or structure shall be erected or enlarged on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located.
- 6.02 Charts and Notes. The following chart and notes are adopted as basic height and area regulations. Read across the chart opposite the specific zone; the bulk, density or height requirements are shown in the appropriate column. A numerical designation refers to the number of feet, lot width or setback or the number of square feet of lot area or usable open space. Percent figures apply to maximum lot coverage. Where a number appears in parentheses it refers to a special condition noted in Section 6.07. An "X" in column indicates that that item is not applicable to the zoning district in question. When "FAR" appears in the table the floor area ratio for that zone governs the height and bulk. (*See 4.08*)
- 6.03 Special Requirements. Special requirements are established to clarify certain conditions pertaining to the use of lots and access points.
- 6.031 Division of a lot: No recorded lot shall be divided into two or more lots unless such division results in the creation of lots, each of which conforms to all zoning and subdivision regulations.
- 6.032 Lot of record: Any substandard lot of record recorded at the time of adoption of these regulations shall be permitted to exist in its present dimensions, and construction on any such lot may have reduced side yard requirements as follows:
- 6' side yard to 4 '
8' side yard to 5 '
10' side yard to 6 '
- In any non-residential zone: half of basic requirements.
- 6.033 Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured starting at a point 25 feet from the centerline of the street right-of-way.
- 6.034 Outdoor display of merchandise, where permitted shall setback from street right-of-way lines not less than one-half the distance of the required building setback, as set out in the bulk, density, height and area chart included in this chapter. See Article 11 for additional requirements.
- 6.04 General Exceptions to Bulk, Density, Height and Area Regulations.
The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth.
- 6.041 Height Exceptions. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:

- A. Barns, silos, windmills, chimneys, spires, flagpoles, ventilators, skylights, derricks, conveyors and cooling towers, radio and television antennae and towers, observation towers, power transmission towers and water tanks.
- B. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth or the front, side, and rear yards required in the district increased one (1) foot for each two (2) feet by which the height of such structure exceeds the prescribed height limits.
- C. Airport hazard districts. Height restrictions in the areas adjacent to the Capital City Airport are regulated by the Federal Aviation Administration Guidelines.

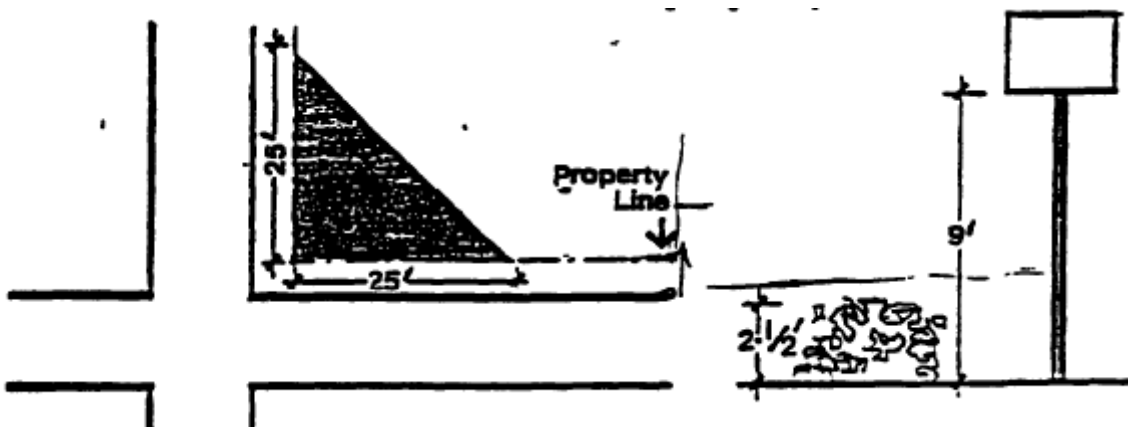
6.042 Yard, Building Setback, and Open Space Exceptions. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations:

- A. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.
- B. The following structures shall be allowed to project into the required yard or beyond the building setback line, subject to conditions in the following table.

<u>Projecting Use</u>	<u>Projection Allowed</u>
Architectural Features	3 ft.
Awnings, Canopies (8 ft. clearance above streets or walks)	5 ft.
Bay Windows, Chimneys	2 ft.
Fire Escapes	5 ft.
Steps and Porches (non-enclosed)	6 ft.

6.05 Safety and Vision. The following regulations provide the maximum safety of persons using sidewalks and streets.

On any corner lot or curb cut, no wall, fence, structure, parking space, or any plant growth which obstructs sight lines at elevations between two and one-half (2 ½) feet and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area 25 feet along each of the intersecting streets to be measured from the property line.



6.06 Wall and Fences. Walls and fences are permitted in any zoning district in accordance with the following provisions, as well as those found in Article 11. *(Amended 6-26-06)*

6.061 Any wall or fence shall be constructed entirely within the lot lines of any lot or parcel.

6.062 No barbed wire fence shall be permitted in any residential (R) district or special (S) district.

6.063 Maximum height for walls or fences shall be in accordance with the following table:

<u>Zoning</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
RE, RA, RB, RC RD & RS	4 feet	6 feet	6 feet
RL, RH & RM	4 feet	8 feet	8 feet
CL, CG, CH, CB	6 feet	8 feet	8 feet
IC, IG	8 feet	8 feet	8 feet
Any S or P	designed in accordance with plan.		

6.07 City of Frankfort Wireless Communications Regulations

6.07.01 Purpose:

The purpose of these regulations is to allow for cellular antenna towers to be located in the City of Frankfort in order to meet the increasing demands for wireless communication services, and as codified in Ky Revised Statutes Chapter 100 and 278, and with the intention of providing:

- * the safest and most efficient integration of cellular antenna
- * facilities in compliance with the recommendations of the comprehensive plan;
- * promotion of co-location;
- * facilities compatible with adjacent land use;
- * facilities that further the public health, safety, and general welfare.

6.07.02 Definitions:

For the purposes of these regulations, the following definitions shall apply:

1. **CELLULAR ANTENNA TOWER:** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
2. **CELLULAR TELECOMMUNICATIONS SERVICES:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

3. CO-LOCATION: Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
4. FAA: Means the Federal Aviation Administration.
5. FCC: Means the Federal Communication Commission.
6. GUYED TOWER: Means a telecommunication tower that is supported, in whole or in part, by guy wire and ground anchors.
7. HEIGHT: Means the vertical distance of any tower as measured from the bottom of the base of the tower ground level to the highest point of such tower.
8. LATTICE TOWER: Means a telecommunication tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.
9. MONOPOLE TOWER: Means a telecommunication tower constructed of a single pole, without guy wires or ground anchors.
10. PERSONAL COMMUNICATION SERVICE: As defined in 47 U.S.C. sec. 332 (c).
11. TOWER: Means a vertical structure on which is or can be located one or more antennas for the purpose of transmitting or receiving telecommunications as authorized by the FCC.
12. UNIFORM APPLICATION: means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for any county that contains a city of the first class.
13. UTILITY: Any person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with: the transmission or conveyance over wire, in air or otherwise, of any message by telephone or telegraph for the public, for compensation: (KRS 278.010 (3)).
14. STEALTH TECHNOLOGY: cellular antenna tower is camouflaged, such as in a steeple or flagpole, to make it less visible.

6.07.03 General:

- A. A cellular antenna tower for cellular telecommunications services or personal communications services may be allowed in any zone after a review by the Frankfort/Franklin County Planning Commission, in accordance with the adopted goals and objectives of the Frankfort/Franklin County Comprehensive Plan and the regulations contained within the Frankfort Zoning Ordinance, and after being granted a Certificate of Necessity and Convenience by the Public Service Commission. Co-location of service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for multiple carriers or by co-location on existing facilities. Any request for review of a proposal to construct such an antenna tower or to reconfigure, enlarge or reconstruct an existing antenna tower, shall be made only in accordance with these regulations.

- B. Telecommunication antennae shall not be allowed on any building or structure located within the City's historic zoning districts or identified on the National Register of Historic Places, unless approved by the Architectural Review Board. Towers are not allowed within 2,000 feet of any historic building or historic zoning district.
- C. However, if the property is subject to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. Review of the Conditional Use Permit plan shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the Conditional Use Permit. The property owner shall be responsible for making alternative provision for any alteration of Conditional Use Permit or shall obtain a variance or waiver of the Permit requirement affected by the location of the tower on the site. (Editor's Note: As authorized in KRS 100, the Planning Commission may modify an existing Conditional Use Permit in conjunction with a request for review of a proposal to construct an antenna tower for cellular telecommunications services or personal communications services.)
- D. Commencing from the time that a utility files a uniform application with the Public Service Commission, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Public Service Commission and the local Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person in violation this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

6.07.04 Application Process:

Applications for the construction of cellular antenna towers or co-location of cellular antennas for cellular telecommunications services or personal communications services shall be processed as follows:

- A. **APPLICABILITY:** Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower or co-locate an antenna for cellular telecommunications services or personal communications services, and has officially registered with the Public Service Commission, shall submit a copy of the utility's completed uniform application to the Frankfort/Franklin County Joint Planning Commission within five (5) consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience, as required by KRS 278.020 (1).

For applicants who are requesting co-location, all requirements in these regulations apply, except those that are specifically waived in Section IV D.

- B. **CO-LOCATION:**
 - 1. A utility planning to co-locate its antennas on an existing tower or to augment an existing structure to enable it to place its antennas on that structure shall file with the Planning Office its intent to do so, including the name and address of the utility, name of the owner of the structure, the latitude and longitude of the structure, and a description of the plan to augment or co-locate, if:

- a) The proposed augmentation, if any, of the existing structure shall not increase the height of the structure more than twenty (20) percent; and
- b) The proposed augmentation, if any, of the existing structure will not result in altering lighting requirements for a structure on which lighting is not currently required.

- 2. For facilities located on previously approved sites, a representative of the Frankfort/Franklin County Planning Commission shall review the application for its conformity with these regulations and the regulations contained within the City's Zoning Ordinance. If the representative determines that the application is in conformity with these regulations and the regulations contained within the Frankfort Zoning Ordinance, an administrative approval may be granted. This administrative approval shall not be considered final until it is ratified by a vote of the full commission.
- 3. If the representative of the Planning Commission determines that the application is not in conformity with these regulations and the regulations contained within the Frankfort Zoning Ordinance, a public hearing, pursuant to section IV. C., of these regulations, shall be scheduled.

C. NOTICES AND POSTINGS:

At least one (1) public hearing on the proposal shall be held, at which time interested parties and citizens shall have the opportunity to be heard. It is the responsibility of the applicant to send and post information about the hearing, and certify to the Planning Commission office that the notices and postings have been done.

- a) Notice of the hearing shall be sent by first class mail to the owner of every parcel of property within 500 feet of the tower site's property boundaries, to the owner of every parcel of property adjoining at any point the property form which the applicant proposes to create the tower site, and to the owner of every parcel of property directly across the street from said property. If the property is in a cooperative form of ownership or has co-owners, notice may be in the manner described in KRS 100. 214 (2) for such ownership. Notice shall also be sent by the applicant to the Mayor of Frankfort, depending on which jurisdiction the proposed site is located. Such notices shall include the date, place and time of the public hearing, the address and telephone number of the Planning commission's office, and a statement that the recipient has the right to submit testimony to the Planning Commission, either in writing or by appearance at any Committee or Commission meeting scheduled for review of the request. Such notices by first class mail shall be mailed no sooner than the date of acceptance of the application by the Planning Commission and no later than fourteen (14) days in advance of the hearing.
- b) Notice of the date, time and place of such hearing shall be published at least once, but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
- c) Notice of such hearing shall be posted in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first class mail is sent for a minimum of fourteen (14) consecutive days immediately prior tot he hearing. The notices shall remain until the Planning Commission issues its final decision or 60 days has passed since acceptance of the request by the Planning Commission, whichever occurs first. Said posting shall be as follows:

1. Each sign shall be at least two (2) feet by four (4) feet in size;

2. Such signs shall be constructed of durable material, and depicting the following information in a minimum of one (1) inch high lettering except for the words "tower" or "Monopole" which shall be printed letters at least four (4) inches high: "(Name of applicant) proposes to construct a telecommunications ("tower" or "monopole") on this site. If you have questions, please contact (name, address, and telephone number of applicant) or the Executive Director, Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, KY 40602. (refer to assigned docket number)". Such notices shall include the date, place and time of the public hearing, the address and telephone number of the Planning Commission's office, where additional information regarding the hearing may be obtained.

D. APPLICATION REQUIREMENTS: An application for the construction of a cellular antenna tower on a site not previously approved shall include the following:

1. All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

- a) Franklin County and

- b) a one-half (1/2) mile area outside of the boundaries of the county's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;

2. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from a FCC license holder to locate at least one antenna on the applicant's tower.

3. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable with the telephone number of the person who prepared the directions.

4. Radio frequency requirements, as follows:

- a) general coverage area, including overlap ("hand-off") area with other sites.

- b) specific (targeted) coverage area(s) and required field strength(s).

- c) system specifications of the proposed site and adjoining sites, including;

- (1) Number of antennas and sectors

- (2) Geographical coordinates of tower location.

5. Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site, according to the following:

- a) No existing towers or facilities are located within a three (3) mile radius of the proposed tower location.

- b) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.

- c) Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.

- d) The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
- e) Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.
- f) Existing towers are not located within a reasonable distance to provide the necessary coverage.

6. Unless co-locating, certification, supported by evidence, that there is no other site which is materially better from a land use perspective within the immediate area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites within a one (1) mile radius of the proposed tower location, a description of potential sites, and a discussion of the ability or inability of the sites to host a cellular antenna tower.

Potential sites that should be considered (in order from most preferred to least preferred) include: existing utility towers, highway rights-of-way (except designated parkways), industrial districts, airports, public facilities, office towers, commercial districts and commercial centers, agricultural districts and residential towers. Desirable locations include water towers, radio, and television towers, tall buildings, signs, steeples, and flag poles. Stealth technology is encouraged.

Reasons for not locating on a potential site would include, but not be limited to, the following:

- a) unwillingness of the site owner to entertain a telecommunications facility;
- b) economically impractical;
- c) topographic limitations of the site;
- d) adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmission;
- e) physical site constraints that would preclude the sign construction of a telecommunications facility;
- f) technical limitations of the telecommunications system;
- g) existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network;

7. A statement demonstrating that the proposal is in agreement with the adopted Frankfort/Franklin County Comprehensive Plan and is in conformity with these regulations.

8. A site development plan, signed and sealed by a professional engineer registered in Kentucky, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable.

- a) The total area of the site in question;
- b) All public and private rights-of-way and easement lines located on or adjacent to the subject property within 500 feet of the proposed tower;
- c) Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet
- d) Location, height, arrangement, and identification of all structures on or adjacent to the subject property within 500 feet of the proposed tower,
- e) Property owner names of subject property and adjacent properties within 500 feet of the proposed tower;
- f) Uses on the subject property and adjacent properties within 500 feet of the proposed tower;

- g) Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such lands shall be identified;
- h) Landscaping features, including identification of existing landscaping, proposed landscaping, proposed walls and fence, and heights;
- i) Location of signs, indicating their orientation, size, and height;
- j) All utility lines and easements:
 - 1. Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - 2. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
 - 3. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins;
 - 4. Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;
- k) Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces;
- l) Circulation System:
 - 1. Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - 2. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
- m) Provisions for control of stormwater detention/retention, erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;
- n) Demonstration of the failure characteristics of the tower and that the site, setbacks, and separation from other uses is of adequate in terms of distance.

- 9. Certification that a geotechnical investigation report was performed by a professional engineer registered in Kentucky that includes borings, foundation design recommendations, and a finding as to the proximity of the proposed site to flood hazard areas (the utility may file findings prepared by a land surveyor as to the proximity of the proposed site to flood hazard areas).
- 10. Certification that the applicant notified property owners and governmental officials as described in Section C. Also that notices were posted, as described in Section C. The names and addresses of those notified shall be given to the Planning Commission.

E. EVALUATION:

The Planning Commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. The Planning Commission shall submit to the Public Service Commission, along with their action, the basis for their decision, along with suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the Zoning Regulations. If the Planning Commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it is presumed that the Planning Commission has approved the utility's uniform application.

The Planning Commission's Technical Review Committee will review the application, then forward their comments to the Commission. The evaluation will be based on the following criteria:

1. The Planning Commission will deny a uniform application to construct a cellular antenna tower based on an applicants' unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.
2. Agreement with the various elements of the Frankfort/Franklin County Comprehensive Plan, and where applicable, any other adopted plans.
3. Extent to which the proposal is consistent with the purposes of these regulations.
4. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established Design Standards listed in Section II of these regulations.
5. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
6. Extent to which the proposed facility is integrated with existing structures, or the extent to which the proposed cellular antenna tower uses stealth technology.

F. AMENDMENTS:

Any amendments to the site development plans, except for minor adjustments as determined by the Planning Commission Chairman shall be made in accordance with the procedure required by Subsection C., above, subject to the same limitations and requirements as those under which such plans were originally approved.

6.07.05 Design Standards:

A. At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

B. The site configuration should be formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).

C. All structures, except fences and other screening, shall be located at least fifty (50) feet from the property line or lease line of any residentially zoned property.

D. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than

two hundred (200) feet in height upon review of the applicants justification that the additional height meets the criteria identified in Subsection F., above.

E. When any cellular antenna tower, or alternative antenna tower structure is proposed, the applicant shall furnish the Planning Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will meet the current ANSI/EIA/TIA 222-F standards and other applicable state standards.

F. Cellular antenna towers shall not be illuminated, except in accord with other state or federal regulations.

G. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

H. The tower shall be enclosed by a six (6) high fence constructed of pressure-treated wood warranted for 20 year period or a masonry wall. The use of barbed wire or sharp pointed fences shall be prohibited. Fencing may be located within the front, side, or rear yard.

I. Towers sites shall be landscaped with a buffer of plant materials, of an evergreen variety, to completely screen the visibility of the site from adjacent residential land uses or residential zones. Berms may also be used in conjunction with the evergreen plantings to assist in providing screening. Angles of sight from existing and future residents should be taken into consideration in providing screening. The Frankfort Landscape Regulations shall be used in guiding the landscape plan for the tower site. In any zone, whenever possible, all antenna towers shall be designed and constructed so as to minimize any potential negative aesthetic, environmental or visual impacts.

J. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall be at least five thousand (5,000) square feet in area.

K. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.

L. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

M. All new cellular antenna towers shall be designed and constructed to reasonably accommodate a minimum of three (3) service providers.

N. All option and site lease agreements shall not prohibit the possibility of collocation.

O. Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternative sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.

P. In residential districts, all antenna towers and related structures shall comply with the setback of that district or a minimum of twenty-five (25) feet, whichever is greater; plus one (1) foot for each two (2) feet of height the tower exceeds the maximum allowable building height.

Q. In agricultural districts, all antenna towers and related structures shall be setback from all property lines in accordance with the required setbacks of the district plus one (1) foot for each two (2) feet of height the tower exceeds the maximum allowable building height.

R. In all commercial, industrial and professional office districts, all antenna towers and related structures shall adhere to the adopted building setbacks plus one (1) foot for each two (2) feet of height the tower exceeds fifty (50) feet in height. In those districts where no setbacks are required, a minimum of twenty-five (25) feet plus one (1) foot for each two (2) feet of height the tower exceeds fifty (50) feet in height shall be required.

S. All antenna towers located within a commercial, industrial or professional office district, where adjacent to a residential or agricultural district, the setback requirements for the adjacent district shall apply along those property lines for that portion of the site.

6.07.06 Existing Telecommunications Facilities:

Telecommunications facilities in existence on the date of the adoption of this ordinance which comply with this ordinance ("existing telecommunications facilities") are subject to the following provisions:

A. Existing telecommunication facilities may continue in use for the purpose now used, but may not be expanded or replaced without complying with this ordinance, except as further provided in this section.

B. Existing telecommunications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefor, but without otherwise complying with this ordinance.

C. The owner of any existing telecommunications facility may replace, repair, rebuild and/or expand such telecommunications facility to accommodate co-located antennas or facilities, or to upgrade the facilities current engineering, technological or communications standards by obtaining a building permit therefore, and without having to conform to the provisions of this ordinance (including, but not limited to, provisions of this ordinance regarding notice to local zoning authorities or posting of signs) or to otherwise request local zoning approvals, so long as such facilities are not increased in height by more than 50% and or setbacks are not decreased by more than 50%.

D. Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in B.2 above beyond that existing at the date of the adoption of this ordinance.

E. Any legally permitted and constructed telecommunications tower shall be exempt from these regulations; except when discontinued for a period of twelve (12) months. In such cases, the applicant or utility shall be required to follow the procedures listed herein.

6.07.07 Maintenance and Removal:

A. Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal.

B. To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of the submittal, deposit with the Planning Commission, and to the benefit of the Planning Commission, a letter of credit, a performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of demolition and removal

of the facility. An applicant having multiple telecommunications facilities within the Planning Commission's jurisdiction may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one facility it owns which would cost the most to demolish and remove until such time as the number of its multiple facilities exceeds four (4) such facilities. At such time as the approved number of the applicant's multiple facilities exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus twenty-five (25) percent of the cost of demolition and removal of the applicant's other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

C. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal.

6.07.08 Necessity and Function:

To establish policy and outline for construction review or inspection procedures including scope of inspections, qualifications of inspectors, continuing professional development and training, and construction review standard forms such as: (a) Daily Reports; (b) Testing reports; (c) scheduled Notices; (d) Final Punch Lists; (e) Deviation Notices; (f) Violation Notices; (g) status reports; (h) Certifications-Acceptance for Maintenance; and (i) Guarantee Reduction or Release Certifications.

6.07.09 Severability:

That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court or competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

6.08 Reserved.

6.09 Accessory Uses.

6.091 Uses Permitted. Customary accessory uses shall be permitted in any zoning districts provided such use is directly related to the principal use.

6.092 Height and Setback. Unless otherwise indicated the following table the height and setback required for accessory uses shall be the same as for the principal permitted use.

6.093 Table of Special Height and Setback.

Accessory Use to	Use	Setback			
		Front	Side	Rear	Height
Agriculture Residence	Barn & Out Bldgs.	Z	10'	10'	Z
	Pet House	X	2'	2'	N/A
	Garage (1)	Z	2'	2'	15'
	Utility Bldgs.	X	2'	2'	12'
	Swimming Pool	X	2'	2'	N/A
	TV Satellite Receivers	X	6'	6'	8'
	Solar Collectors	X	6'	6'	N/A
Churches	Parsonage (2)	Z	Z	Z	Z
	Education Bldg. (2)	Z	Z	Z	Z
Schools	Dormitories (2)	35'	12'	25'	Z
	Teachers Quarters (2)	Z	8'	10'	Z
	Power Plants	35'	12'	30'	N/A
	Stadiums	35'	12'	30'	N/A
Hospital	Staff Quarters (2)	Z	8'	10'	Z
	Chapels (2)	35'	12'	10'	Z
	Schools (2)	35'	12'	10'	Z
Industrial	Caretaker Quarters (2)	35'	6'	10'	Z

Notes:

“X” Not Permitted

“Z” Same Requirements Basic Zone

- (1) Free standing garages shall be located at least ten (10) feet from principal residence. Attached structures or structures closer than ten (10) feet shall have setbacks same as basic zoning district.
- (2) Each structure shall be separated from the principal structure or other structure by at least 20 feet.

6.10 Special Devices. Special devices now known such as TV microwave dish receivers are now not currently anticipated by this ordinance may be permitted in any professional, commercial or industrial zoning district provided that:

- A. No such device may be located in front of any structure.
- B. In any professional, commercial or industrial zoning district, groundmounted satellite dish antennas may be permitted subject to the following criteria:
 - 1. All principal use installations or accessory use installations that abut land zoned or used for residential purposes shall comply with the principal setback requirements specified in the applicable zone district requirements. However, no satellite dish antenna will be permitted in the front of a structure.
 - 2. All installations shall comply with the maximum height restrictions imposed upon principal uses.
 - 3. All installations shall comply with the maximum height restrictions imposed upon principal uses.

In any professional, commercial or industrial zoning district, roofmounted satellite dish antennas may be permitted subject to the following conditions.

- 1. On any property that abuts land zoned or used for residential purposes, satellite dish antennas will not be permitted to locate on the roof of a building.
- 2. The height of the proposed installation does not exceed the maximum height restriction imposed for principal uses within the district; except the buildings within the Central Business District may be permitted roof top installations so long as the diameter of the antenna does not exceed 25% of the existing height of the building.

ARTICLE 7 LANDSCAPE ORDINANCE

7.01 Intent

The intent of this ordinance is to improve the appearance of vehicular use areas and property adjoining public rights-of-way, require screening between incompatible land uses, to protect aesthetic character of the community and to protect the health, safety and welfare of the community through reduction of noise, air and visual pollution, air temperature and headlight glare.

7.02 Sites Affected

Landscaping as required in the Landscape Requirements Matrix, Section 7.13, shall be required as follows:

1. All new building development and construction.
2. Existing sites:
 - A. All new parking lot construction, including the expansion, moving or relocation of existing parking. These requirements shall only affect those newly paved areas of five (5) spaces or larger, or any paved area larger than 1500 square feet. The number of parking spaces added shall also include any spaces added within one (1) calendar year prior to the building permit application for the new spaces. These requirements shall, in no instance, be deemed as retroactively affecting sites prior to the adoption of this amendment.
 - B. Substantial additions to an existing building. Substantial building will be defined per the criteria established below:

When Existing Structure is..... / Substantial Increase-An Addition of...

0 – 1,000 sq. ft.	/	50% or greater
1,001 – 10,000 sq. ft.	/	40% or greater
10,001 – 25,000 sq. ft.	/	30% or greater
25,001 – 50,000 sq. ft.	/	20% or greater
50,001 + sq. ft.	/	10 % or greater

If this does not involve new parking lot construction, interior landscaping is not required.

- C. When a land use changes to a different land use requiring the construction of additional parking.

NOTE: Perimeter landscaping is the landscape application surrounding a land use or a vehicular use area. Perimeter landscaping will be required only where the addition of building or parking affects adjoining properties of a more restrictive zone, land use, or public or private street. See diagram # 1 for Clarification of Perimeter Landscaping.

7.03 Vehicular Use Area (VUA)

Any outdoor (open or enclosed) area containing more than 1,800 square feet and/or used by two or more vehicles for parking, loading/unloading, sales and/or service areas, or driving. See the Landscape Requirements Matrix, Section 7.13.

7.04 Who Provides Landscaping

Landscaping required to fulfill this ordinance shall be provided by the property owner. If an adjacent property has landscaping fulfilling parking lot perimeter screening, and/or zone to zone, or land use to land use screening requirements, the requirement for perimeter landscaping along the common boundary may be waived if deemed appropriate by the Planning and Building Codes Department.

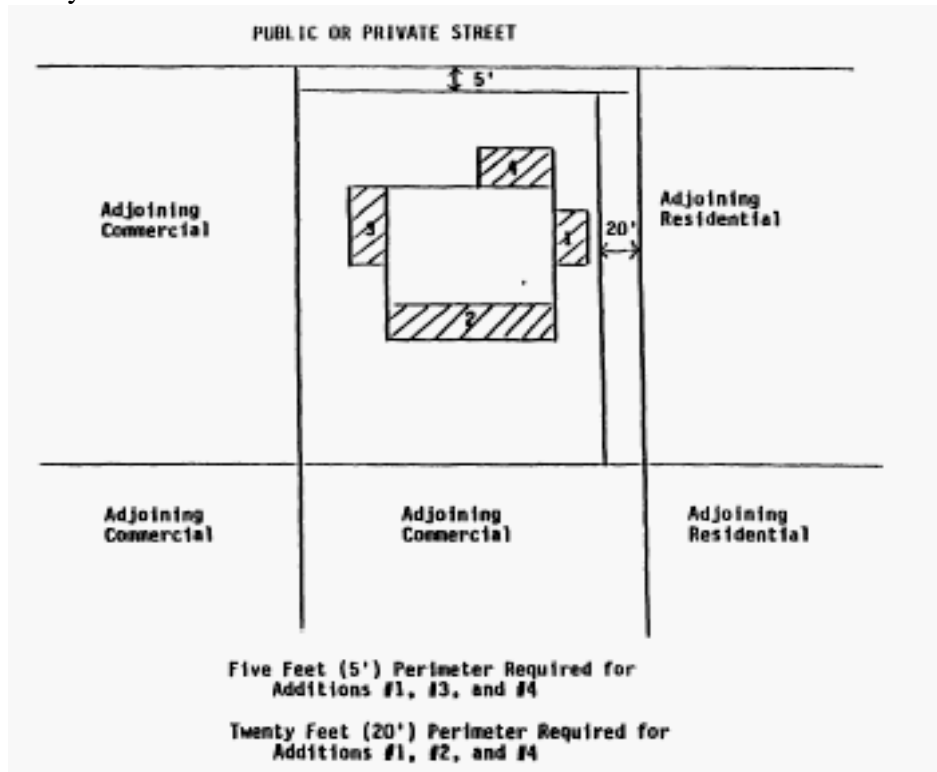
7.05 Conflicts In Requirements

When an activity or land use falls under more than one of the categories listed in the matrix, the most stringent of the requirements shall be applied.

7.06 Easements, Right-Of-Way and Setbacks

Required landscaping may be placed wholly or partially in utility of other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from List B. The rights-of-way of any public street may also be utilized for the required landscaping provided that the approval is granted by the appropriate government. It must be noted that an Encroachment Permit shall be required from the Kentucky Department of Transportation to plant on State right-of-way.

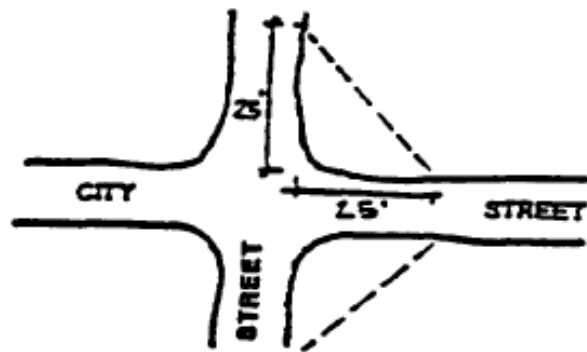
Landscaping must also be placed in the required area between the property line and the front, rear and side yard setbacks.



7.07 Sight Triangle

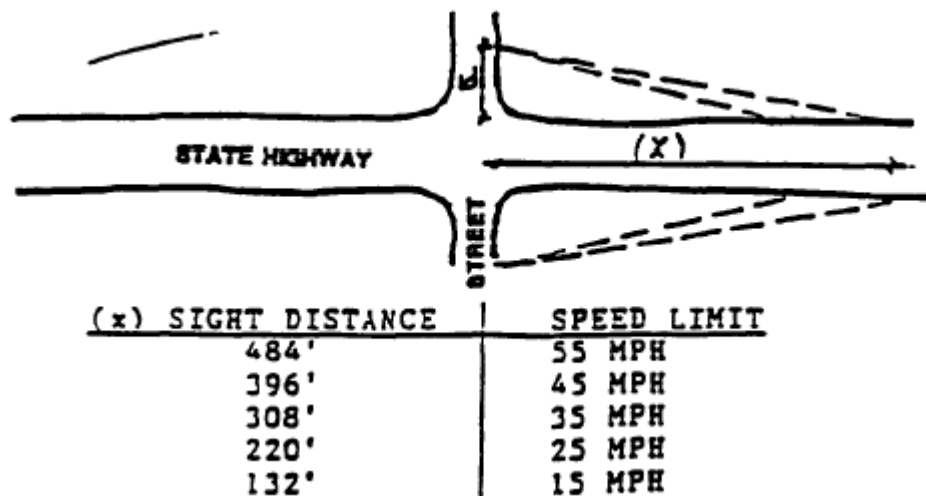
That area at a street or drive intersection where all landscaping is prohibited except ground cover and trees that are without limbs from the ground up seven feet.

7.07.1 City Streets. When two city streets intersect or a driveway intersects a city street, the sight triangle shall consist of the area between points twenty-five feet along both street from the intersection of the edges of the pavement.



7.07.2 State Highway.

Where a city street, driveway or other entrance intersects with a state highway, the sight triangle shall consist of the area between a point ten feet along the street or driveway edge of pavement and a point located along the edge of the state highway pavement the distance of an automobile traveling the speed limit can go in six seconds. An Encroachment Permit from the Kentucky Department of Transportation is required to plant in the State right-of-way.



7.08 Landscape Materials

7.08.1 Walls and Fences.

When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be of weatherproof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. All footers are to be 18" deep minimum and distance between posts on wood fencing shall be 8' maximum. Chain link fences with wood or synthetic slat material shall not be allowed.

7.08.2 Plants.

All plants are to living and part of the acceptable plants listed in the Planting Manual. A plant manual should be obtained from the Department of Planning and Building Codes that outlines recommended plant material.

7.08.2a Quality.

Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen which is on file at the Planning and Building Codes Department and shall have passed any inspection required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited. This includes all plants not balled and burlapped or containerized.

7.08.2b Deciduous Trees (trees which normally shed their leaves in the Fall).

Shall be species having an average mature crown spread or greater than fifteen (15) in Franklin County and having trunk(s) which can be maintained with over seven (7) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of six to eight (6-8) feet overall height or a minimum caliper (trunk diameter, measure by 6 inches above ground for trees up to 4 inches caliper) of a least 1 inch immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which to minimum interior container dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

7.08.2c Evergreen Trees.

Shall be a minimum of five (5) feet high with a minimum caliper of 1-1/2 inches immediately after planting.

7.08.2d Shrubs and Hedges.

Shall be at least 15" – 20" in average height when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of the final approval of each planting or replanting. Privet, Ligustrum species cannot meet the opacity requirements and may not be issued to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

7.08.2e Ground or Grass Cover.

Grass of the fescues (Gramineae) or Bluegrass (Poaceae) shall be planted in species normally grown as permanent lawns in Franklin County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where soiled sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted not more than 15 inches on center and in such a manner as to present and have 75% of complete coverage after two (2) complete growing seasons.

7.08.3 Earth Mounds.

Earth mounds shall be barriers which block a view consisting of earth and covered with grass or other ground cover. Differences in elevation between areas requiring screening does not constitute an earth mound.

7.08.4 Maintenance and Installation.

All landscaping materials shall be installed according to accepted planting procedures. The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper for the maintenance of trees as required by this Article. Tree pruning cuts shall be made sufficiently close to the trunk or parent limb without cutting into branch collar or leaving a protruding stub so that closure can readily start under normal conditions. All branches that are so heavy as to cause bark splitting or peeling are to be pre-cut. Violations of these installation and maintenance provisions shall be ground for the Division of Planning and Building Codes to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

7.08.5 Landscape Manual.

The Planning and Building Codes Department shall have on file a manual that outlines recommended plant materials. Illustrations of landscape ordinance applications and minimum requirements for other landscape materials. This manual should be used as a guideline to anyone preparing a landscape plan in order to meet this Landscape Ordinance.

Please note that with the exception of Plant List F, unacceptable plants, the plant lists included in the manual are only suggestions of use groups that have been successful in this region for urban landscaping. The choice of plant materials is not limited to those of the lists. No plants on Plant List F will be permitted.

7.09 Submission Requirements

7.09.1 Plan Content.

The landscape plan shall be drawn to a readable scale and shall include all property lines, a north arrow, a scale, all easements, all existing and proposed structures, dumpsters, all vehicular use areas labeled, the names and addresses of the owners and plan preparers, and either topographic contour or spot elevations where elevation changes occur in areas to be landscaped. Also included shall be a Planting Schedule listing existing and proposed plants, the botanical and common names, the size, quantity and planting condition of the plants. A statement certifying that the property owner shall conform to the requirements on the plan shall be attached to the plan.

7.09.2 Building Permit.

A building permit shall not be issued until the required landscape plans have been approved. A Certificate of occupancy shall not be issued unless either:

1. All landscaping has been installed and accepted by the Building Inspector, or
2. A full cash bond or irrevocable letter of credit (on an approved bank) has been posted in an amount equal to the cost of contracting the purchase and installation of the landscaping, plus 25%.

The owner shall have up to 90 days, as determined by the Department of Planning and Building Codes to install the required landscaping. If, after the established time frame, the landscaping is not installed, the City of Frankfort will contract the landscaping using the posted bond. Two one-month extensions of the bond may be allowed beyond the established deadline if it is determined that planting will be detrimental to the plant material.

3. When street trees are required, in accordance with the subdivision of property, a full cash bond or irrevocable letter of credit in the amount of 125% of the cost or contracting the purchase and installation of the landscaping shall be required to be posted by the developer. If the developer chooses, this bond or letter of credit may be separate from that surety posted for all other public improvements. This bond, or letter of credit, shall be posted at the same time as the surety is posted for other public improvements and shall be posted for a time frame of one (1) year.

If at the end of the one (1) year time frame, all of the required landscaping is not in place, a second bond or letter of credit may be posted for the remaining cost of landscaping and installation plus 25% if it is determined by the Planning and Building Codes that the developer is make substantial progress in installing the trees as required.

7.09.3 Variances.

If the property owner wishes to request a variance of the Landscape Requirements of this article, a variance application shall be filed with the Board of Zoning Adjustments.

The variance request shall be reviewed by the Landscape Advisory Committee of the Board of Adjustment. The Landscape Advisory Committee shall assist the Board of Adjustment by reviewing each variance requested as outlined in Section 7.09.4 and shall

forward recommendation of their findings to the Board of Adjustments who shall make a final ruling on the variance request at a regularly scheduled meeting.

The Landscape Advisory Committee shall be made up of seven (7) members appointed by the Planning Commission. The length of term shall be three years, except at initial appointment. At that time, three members shall be appointed for three years and four members for two years. This committee shall consist of:

- One representative of the nursery of horticultural profession
- One representative from the Board of Adjustment
- One representative of the real estate/building profession
- One representative of a garden club
- One representative from the Planning Commission
- Two at –large citizen members

7.09.3a Committee to Review Development Plans.

When projects requiring approval by the Planning Commission ie; development plans; and the applicant is requesting a variance from these regulations during the review process required under the Zoning Ordinance, the Landscape Advisory Committee shall review the landscape plan and report comments and recommendations to the Planning Commission prior to the final approval for the Development Plan.

7.09.4 Variance Conditions.

Variances may be granted only if one of the following are applicable. Findings of Fact must be made by the Board of Zoning Adjustments prior to granting any variance. In the absence of a finding, no variance can be granted.

7.09.4a – The need for the variance is due to circumstances typical of the land in the general vicinity of the site or in the same zone.

7.09.4b – The strict application of the Landscape Ordinance would deprive the applicant of a reasonable use of the land or create an unnecessary hardship.

7.09.4c – Circumstances necessitating a variance are not the result of an action by the applicant subsequent to the passage of the Landscape Ordinance.

7.09.4d – Adherence to the Landscape Ordinance will adversely affect the health, safety and welfare of the public or will adversely alter the general character of the general vicinity.

7.10 Preservation of Existing Trees

Existing, healthy trees to be preserved must be shown on plans and may be substituted for required trees in both perimeter screening and interior landscaping provided that the tree is located within the perimeter planting easement or vehicular use area respectively. One mature tree greater than 12” in diameter may be substituted for two perimeter trees or two interior trees provided that 200 square feet of unpaved area that has had less than 3” of earth added or removed around the tree and that the tree is preserved as per the specifications in the Landscape Ordinance Guidelines.

7.11 Joint Driveways

If two properties share a driveway or vehicular use area and have a written reciprocal access agreement, no vehicular use area screening shall be required along the paved portion or the common boundary. Interior landscape shall be required on the property submitting plans.

7.12 Dumpsters

Dumpsters shall be located no less than ten feet from a property line and shall be screened on three sides according to the following matrix:

7.12.1 Dumpster Screening Matrix

Dumpster Occurs In	Which Adjoins	Required Screening
Any zone or land use other than residential	Any zone or land use other than residential	Fencing as per City specifications
Any residential land use or zone	Any zone or land use	Fencing as per City specifications plus hedge on three sides from List D or E
Any zone or land use	Any residential zone or land use	Fencing as per City specifications plus hedge on three sides from List D or E

When dumpster occurs less than ten feet from an un-windowed portion of a building on the same property, landscape screening may be waived for the side of the dumpster facing that building wall. Fencing shall be required on that side.

7.13 Landscape Requirements - Matrix

When	Adjoining	Min. Easement	Plant Material
Any commercial or professional zone or land use	Any residential zone or land use	20'	Either 1 tree (A or B) @ 35' OC + a double row 6' hedge (E) or 6' wall or fence or earthmound + hedge (D) + 1 tree (A or B) @ 40' OC or double row, staggered, planting of trees (C) 15' OC
Any industrial zone or land use	Any residential, commercial or professional zone	100' side and rear yard	36' wide, 6' tall earthen berm + a double row of staggered trees (C) @ 15' OC Storage Yard – 6' fence or wall + hedge (E) facing front yard only and/or street or drive
Any high density residential (3 units or greater density) zone or land use	Any single family residential zone or land use	20'	Either 1 tree (A or B) @ 45' OC + a double row 6' hedge (E) or 6' wall or fence or earthmound + a hedge (D) or continuous staggered double row planting of trees (C) 15' OC
Any duplex (except in the RD zone district*)	Any single family residential zone land use (except in the RD zone district*)	5' side 10' rear	Continuous 6' hedge row (E) + 1 tree (A or B) @ 35' OC or 6' wall or fence + 1 tree (A or B) @ 35' OC
A junk, salvage refuse or parts yard or recycling center	Any zone or street (public or private)	20'	6' solid wall or fence + a single row (D or E) + trees (A or B) @ 35' OC or 6' solid fence or wall + staggered double row evergreens (C) @ 15' OC
Subdivision lots requiring sidewalks	The public right of way (street)	4' between curb & sidewalk or edge of pavement or sidewalk	1 tree (A) @ 40' OC or 1 tree (B) @ 30' OC
Any general commercial zone or highway zone or land use	The public right of way, public or private street	10% of total front yard must be landscaped	Trees, shrubs, planting beds, and/or perennials in a motif designed by owner. This is in addition to other required landscaping**

When	Adjoins	Min. Easement	Plant Material
A vehicular use area associated with any zone or land use except single family residences, banks, savings & loan, mortgage companies & auto dealerships	Any public or private street	5' perimeter screening easement	Trees (A) or 40' OC + shrubs (D or E) @ 3' OC or trees (B) @ 25' OC + shrubs (D or E) @ 3' OC (1 tree minimum)
	In all cases	plus 5% interior landscaped area**	Plus 1 tree** (A or B) per 250 sq. ft. or interior landscaped area (1 tree minimum)
A vehicular use area at a bank savings & loan, mortgage company or automobile dealership	Any public or private street	5' perimeter screening easement	Trees (B) at 20' OC
	In all cases	plus 5% interior landscaped area **	Plus 1 tree** (A or B) per 250 sq. ft. of interior landscaped area (1 tree minimum)
A non-residential land use in the Special Capital or Historic Districts (1,2)	Any residential or land use	5'	Either 1 tree (A or B) @ 35' OC + a single row 6' hedge (E) or a 6' wall or fence + 1 tree (A or B) @ 35' OC

1. In this situation, the property perimeter screening may also count as V.U.A. perimeter screening.
2. The design of all fences and /or walls are to be approved by the Architectural Review Board.

* Duplex and single family residences are both permitted in the RD zone district. No landscaping is required between these uses when both exist side by side within the RD zone district.

**Interior requirements are not required on parking lots smaller than 5 spaces. Interior landscape areas must be 65 sq. ft. minimum in size. Plants may be no closer than 30" to pavement in the V.U.A. unless concrete wheel stops are used to prevent plant damage by cars.

Note: When subdivision street trees are required, the total number of trees shall be listed on the final plat. The developer must post surety (ie: bond or letter of credit) for the planting of the trees along with other public improvements. It shall be the developer of the subdivision's responsibility to install the trees as indicated on the final plat. Bond for trees will be kept one year from date of acceptance of the improvements. The amount of the bond will be for the cost of each tree, the actual cost of installation and guaranteeing trees for one year. The Letter of Credit or Bond may be extended for an additional period, not to exceed one (1) year, if it is determined by the Department of Planning and Building Codes that the developer is making adequate attempts to install the landscaping, as required. If trees are absent or dead after one year, or if the developer is not making substantial progress in planting the trees, the City will contract the planting. After the one year, if the trees are installed and living and the City has released the bond or letter of credit, the continued maintenance of the trees shall be the property owner's responsibility. Trees replaced by the property owners at a later date shall be from the same category as listed in the Landscape Manual. The City encourages developers to use a thematic approach to tree selection, but to avoid the use of the same tree species.

*** If the V.U.A. is located in the front yard, the required interior V.U.A. landscaping and the 5' perimeter screening easement will be included as counting toward the total front yard landscaping required.

PLANTING MANUAL AND LANDSCAPE ORDINANCE GUIDELINES

CITY OF FRANKFORT, KENTUCKY

I. INTRODUCTION

The following charts, graphic details, specifications and guidelines are provided to assist persons in conforming to the Frankfort Landscape Ordinance, Article 7 of the Zoning Regulations. The plant lists that are provided are suggested plant materials for the various use groups and are plants that have been successful in this region for urban landscaping. The plant list is not limited to the plant materials indicated in this manual. The graphic details and planting specifications are not mandatory but are guidelines that are helpful in completing a landscape project in a proper manner. The plan submission guidelines should be helpful for those submitting landscape plans and also helpful to the Building Inspection personnel in reviewing and approving plans.

Legend of Plant List:

Example:

Anglojap Yew

Common Plant Name

Taxus x media

Plant Botanical Name

Brownii

Hicksii

Specie Cultivars

Wardii

II. PLANT SUBMISSION REQUIREMENTS

A landscape plan must be submitted to indicate new project conformity to the Landscape Ordinance. The plan must be a scaled drawing preferably no smaller than 1" - 30'.

A. The following is information required to be contained on each landscape plan submitted for review by the Building Inspections Department:

1. All property lines with meets and bounds shall be shown for the project parcel.
2. All adjacent property owners, land zones/uses and rights-of-way must be identified on the plan.
3. Location of all existing and proposed buildings and structures.
4. Location of all driveways, parking areas, loading areas and adjacent offsite roads and streets.
5. Location of dumpster and trash facilities.
6. Location of existing trees and vegetation.
7. Location of underground and overhead utility lines in addition to location of utility easements.
8. Proposed grading/excavation information – contour lines would be preferable.
9. Dumpster screening details.
10. Location of all proposed plant material keyed to a plant schedule.

11. Plant schedule that shall contain information as follows: Plan common and botanical name, plant size (height, spread, caliper, or container size) quantity of each specie to be planted and any specific planting notes.
12. Indication of areas for sodding and seeding.
13. Statistics that contain total square footages of parking/drive areas and interior parking lot landscaping.
14. Plan certification that shall read as follows:

I do hereby certify that this landscape plan has been reviewed by me/us and do adopt this plan and all information contained herein as the plan for minimum landscape development for this project. I do further certify that all plant material will be perpetually maintained to meet the requirements of the Landscape Ordinance unless an approval to amend the landscape is granted by the Planning and Building Codes Department.

		Owner (s)
Date	Witness	

- B. Five copies of the Landscape Plan shall be submitted to the Building Inspection Department.

III. RECOMMENDED GUIDELINES FOR FIELD INSPECTION AND VERIFICATION OF CONFORMANCE TO LANDSCAPE ORDINANCE

Prior to final approval of new development project, the requirements of the Landscape Ordinance must have been met. The following guidelines are for the benefit of the Inspector from the Planning and Building Codes Department to aid in checking the requirements of the approved landscape plan. In addition to these guidelines, the Inspector shall use the "Inspection Guides for Landscape Planting", published by the American Association of State Highway Officials. A copy of this publication shall be on file at the Planning and Building Codes Department. "The American Standard for Nursery Stock", published by the American Association for Nurserymen shall be used in checking plant material and quality. This publication will also be on file at the Planning and Building Codes Department.

- A. Verify the location and area requirements for all interior landscaping so that conformance to Vehicular Use area requirements will be met.
- B. Check dumpster screening requirements and determine if screening materials meet the minimum construction requirements as specified on the approved landscape plan.
- C. Check plant material quantities, species, sizes and locations to determine conformance to approved landscape plan.
- D. Verify that perimeter landscape requirements have been met and determine if there are any encroachments into landscape easements.
- E. Use the various check lists that are provided in the "Inspection Guide for Landscape Planting".
- F. Upon completion of inspection, file a report with the project owner. If a re-inspection is necessary, schedule after adequate time has been given for corrections to be made.
- G. Place a one-year inspection into inspection schedule.

PLANT LIST A SHADE TREES

Trees that are hardy in zones 5 – 6 are deciduous and reach a height of greater than 30 feet.

Callery Pear

Pyrus calleryana
Aristocrat
Chancellor

European Beech

Fagus Sylvatica

Ginkgo

Ginkgo biloba (male only)
Autumn Gold
Fastigiata
Sentry

Green Ash

Fraxinus pennsylvanica lanceolata
Marshall Seedless

Japanese Pagoda Tree

Sophora Japonica
Regent

Japanese Zelkova

Zelkova serrata

London Plane Tree

Platanus acerifolia

Sugar Maple

Acer saccharum

Thornless Honey Locust

Gleditsia triacanthos
Shademaster
Skyline
Sundial

Willow Oak

Quercus phellos

Yellowwood

Cladrastis lutea

Littleleaf Linden

Tilia cordata
Chancellor
Greenspire
June Bride

Norway Maple

Acer platanoides
Columnaire
Crimson King
Summershade

Pin Oak

Quercus palustris
Sovereign
Crown Rite

Red Maple

Acer rubrum
Autumn Flame
October Glory
Red Sunset

Red Oak

Quercus rubra

Scarlet Oak

Quercus coccinea

Sourwood

Oxydendron arboreum

Sweetgum

Liquidambar styraciflua

Tulip Poplar

Lusdendron tulipifera

White Ash

Fraxinum americana
Autumn purple

PLANT LIST B FLOWERING TREES

Trees that are hardy in zones 5 – 6 are deciduous and reach a height of greater than 30 feet.

Callery Pear

Magnolia soulangiana
Pyrus calleryana
Aristocrat
Chancellor

Eastern Redbud

Cercis canadensis
Flame
Forest Pansy
Royal

Green Hawthorne

Crataegus viridis
Winter King

Crabapple

Malus varieties
Bob White
Sargeant
Snowdrift
White Angel

Dogwood*

Cornus florida
Cornus kousa
Cornus mas

Sargent Cherry

Prunus sargentii
Columnaris
Kwanzan

Saucer Magnolia*

Magnolia soulangiana

Golden Raintree

Koelreutaria paniculata

Star Magnolia*

Magnolia stellata

These trees survive better in shady, sheltered conditions and would not be acceptable unless planted on the north or east of a building.

PLANT LIST C EVERGREEN TREES

Trees that are hardy in zones 5 – 6 are evergreen, can reach a height over 30 feet and if not limbed up can create a screen from the ground level up.

American Holly

Ilex opaca
Xanthocarpa

Eastern Red Cedar

Juniperus virginiana

Southern Magnolia

Magnolia grandiflora

Austrian Pine

Pinus nigra

Colorado Blue Spruce

Picea pungens
Glauca

White Fir

Abies concolor

Canadian Hemlock

Tsuga canadensis

Norway Spruce

Picea abies

White Pine

Pinus strobus

Carolina Hemlock

Tsuga caroliniana

Scotch Pine

Pinus sylvestris

PLANT LIST D DECIDUOUS SHRUBS

Perennial woody plants that grow at least 3 feet in height, are tolerant in zones 5 –6 and are deciduous.

Spirea Species	Wintergreen Barberry Berberis julianae	Euonymus compacta
Doublefile Viburnum Viburnum plicatum tomentosum	Spreading Cotoneaster Cotoneaster divaricata	Quince Chaenomeles speciosa
Shrub Cinquefoil Potentilla Fruticosa	Burning Bush Euonymus alata	Forsythia Species
		Glossy Abelia Abelia grandiflora

PLANT LIST E EVERGREEN SHRUBS

Perennial, woody plants that grow at least 3 feet in height are tolerant in zones 5 –6 and are evergreen.

Anglojap Yew Taxus x media Brownii Densiflora Hicksii Wardii	Japanese Yew Taxus cuspidata Capitata Intermedia Nana
Blue Holly Ilex x meserveae Blue Angel Blue Prince Blue Princess	Korean Boxwood Buxus microphylla koreana
Chinese Juniper Juniperis chinensis Hetzii Keteleeri Mint Julep Robusta Green	Leatherleaf Viburnum Viburnum rhytidophyllum
Japanese Holly Ilex crenata Microphylla Rotundifolia	Mugho Pine Pinus Mugho
	Spreading Yew Taxus baccata

**PLANT LIST F
UNACCEPTABLE PLANTS**

Trees and shrubs that are not hardy in zones 5 – 6 may have excessive fruits, leaf or limb drop, may interfere with underground utilities, attract excessive insects or are weak wooded, disease prone, pollution intolerant, noxious or require excessive maintenance.

Apple (common)

Malus pumila

Mountain Ash

Sorbus species

Black Locust

Robinia pseudoacacia

Osage Orange

Maclura promifera

Box Elder

Acer negundo

Mulberry

Morus species

Chinese Holly

Ilex cornuta

Privet

Ligustrum species

Devil's Walking Stick

Aralia spinosa

Poplars

Populus species

Elms (except Chinese & American)

Ulmus species

Silver Maple

Acer saccharinum

Ginkgo (female)

Ginkgo biloba

Sycamore

Platanus occidentalis

Hickory

Carya species

Tartarian Honeysuckle

Lonicera tartarica

Honeylocust (common)

Gleditsia triacanthos

Tree of Heaven

Ailanthus altissima

Horse Chestnut

Aesculus species

Walnut

Juglans species

Kentucky Coffee Tree (female)

Gymnocladus dioica

Weeping Willow

Salix babylonica

Linden or Basswood

Tilia americana

Weigela

Weigela florida

Momosa

Albizia julibrissin

Note: If mature trees exist on site prior to development, they may be accepted by the Planning & Building Codes Department.

PLANT MATERIAL REFERENCE BOOKS

Barbour, Roger W. and Wharton, Mary E., Trees and Shrubs of Kentucky. The University Press of Kentucky, 1973.

Dirr, Michael A., Manual of Woody Landscape Plants. Stipes Publishing Company, 1977.

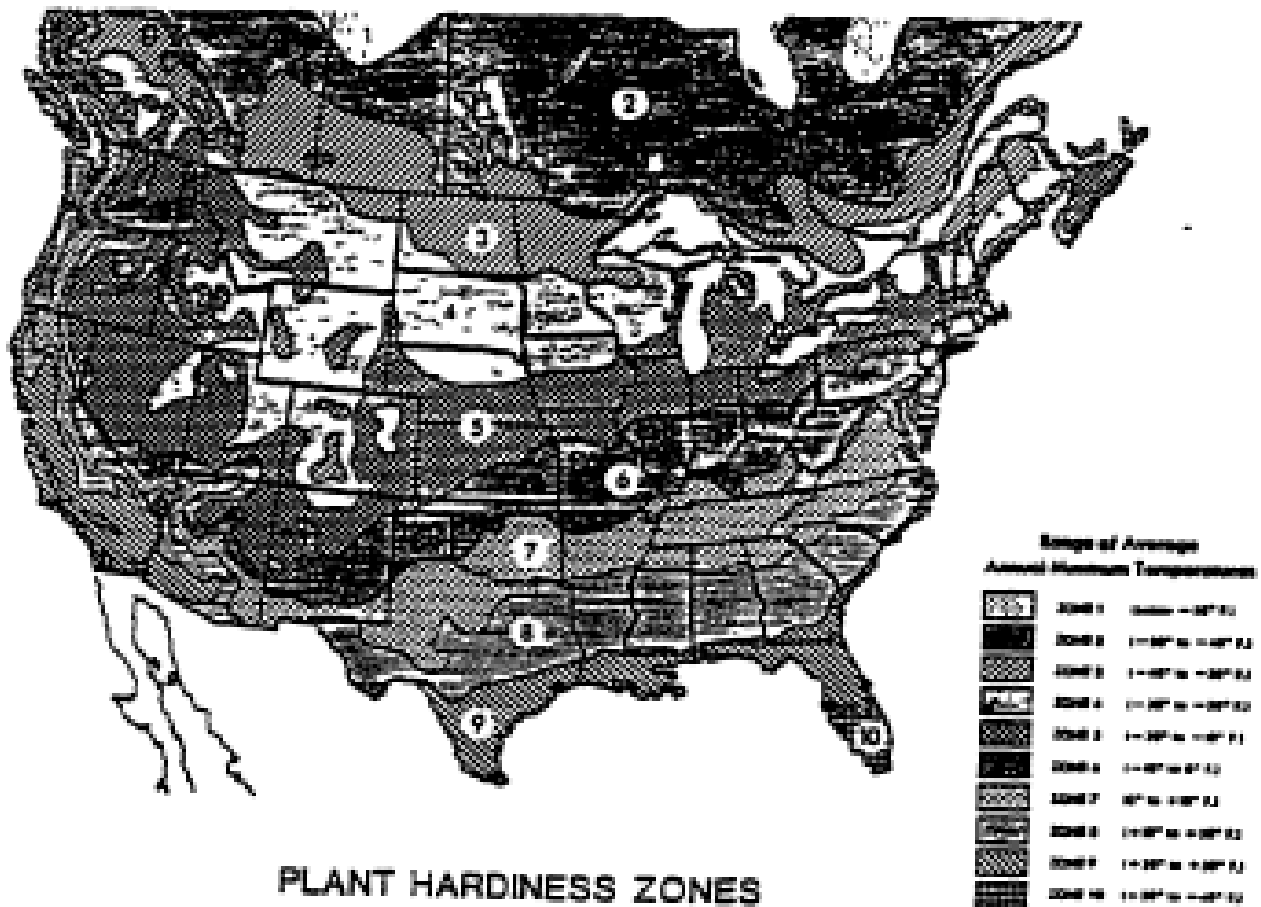
Dirr, Michael A., Photographic Manual of Woody Landscape Plants. Stipes Publishing Company, 1978.

Division of Planning, Lexington-Fayette Urban County Government Planting Manual, 1983.

Hudak, Joseph, Trees for Every Purpose. McGraw-Hill Book Co., 1980.

Wyman, Donald, Shrubs and Vines for American Gardens. McMillan Publishing Co., Inc., 1965.

Wyman, Donald, Trees for American Gardens. McMillan Publishing Co., Inc., 1965.



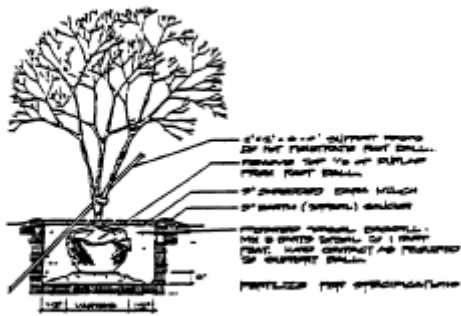
PLANTING SCHEDULE

[illegible]

Landscape Statistics (Minimum Statistics Required)

Vehicular Use Area	_____	Square feet
Interior Landscape Area Required	_____	Square feet
Interior Landscape Area Provided	_____	Square feet
# Interior Trees Required	_____	
# Interior Trees Provided	_____	
Project Zoning	_____	

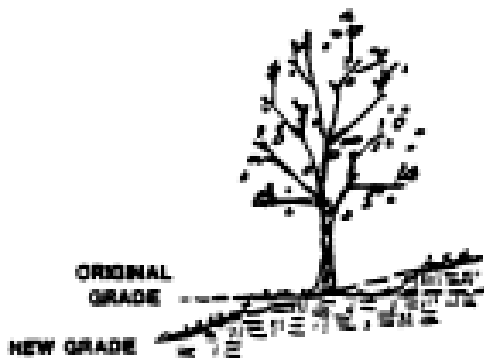
TYPICAL PLANTING DETAILS



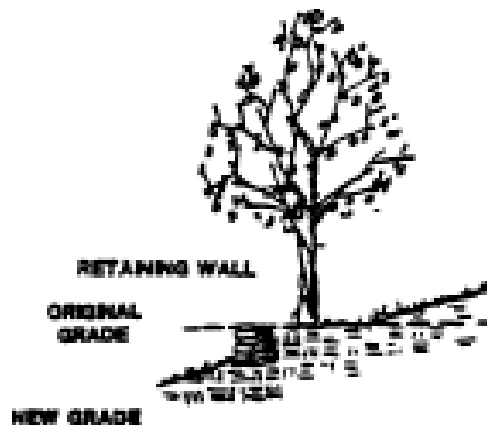
TYPICAL SMALL TREE PLANTING



TYPICAL SHRUB PLANTING



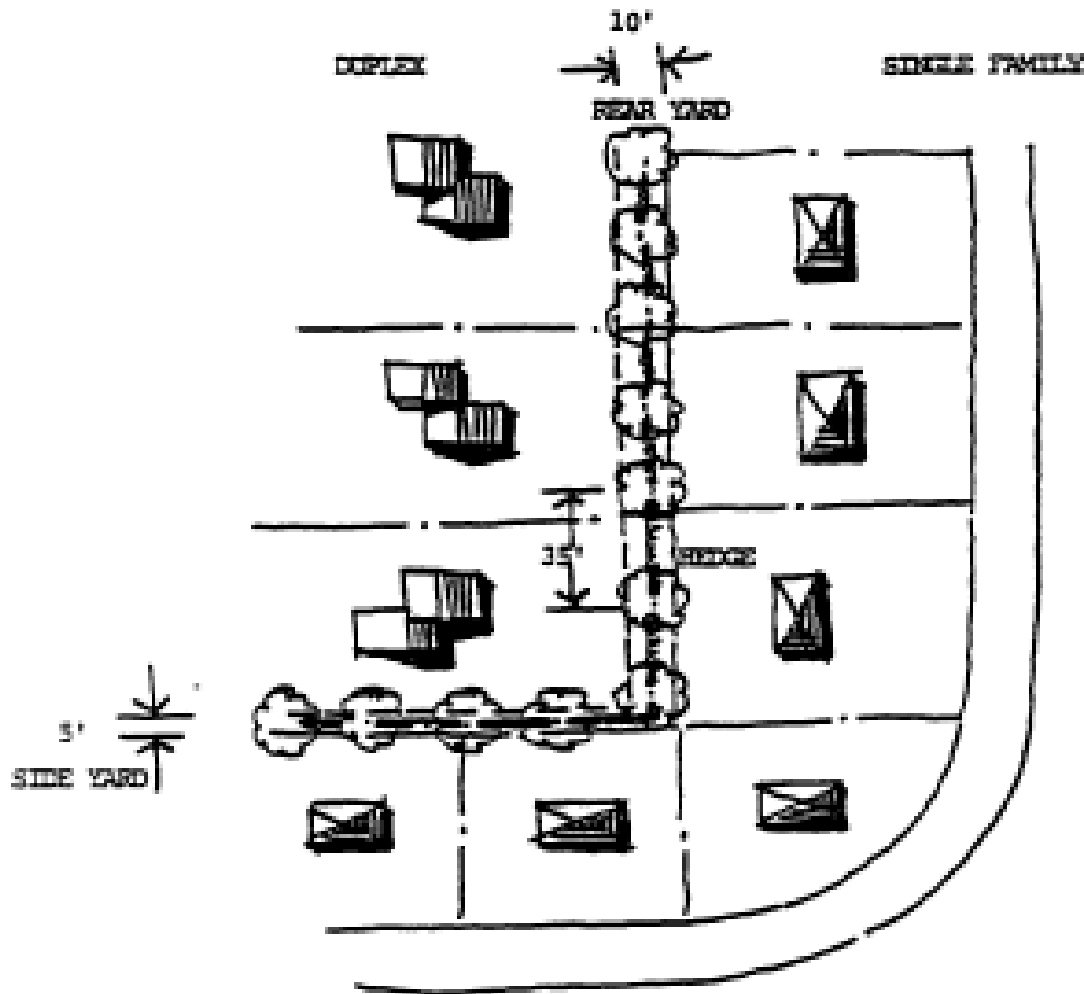
Terracing



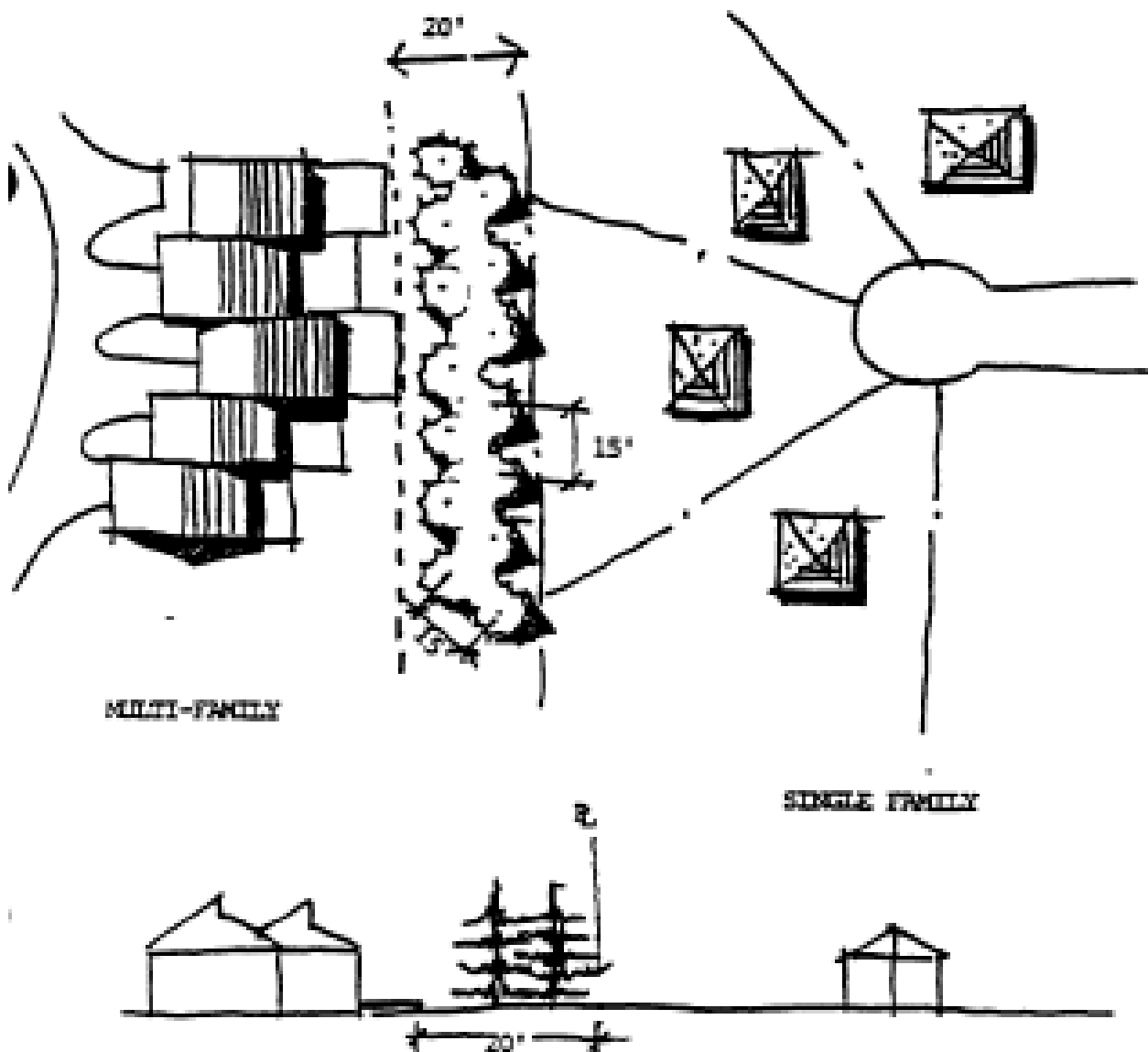
Rotating Wall

When	Adjoins	Min. Easement	Plant Material
Any duplex (except in the RD zone district*)	Any single family residential zone or land use (except the RD zone district*)	5' side 10' rear	Continuous 6' hedge row(E) + 1 tree (A or B) @ 35' OC or 6' wall or fence +1 tree (A or B) @ 35' OC

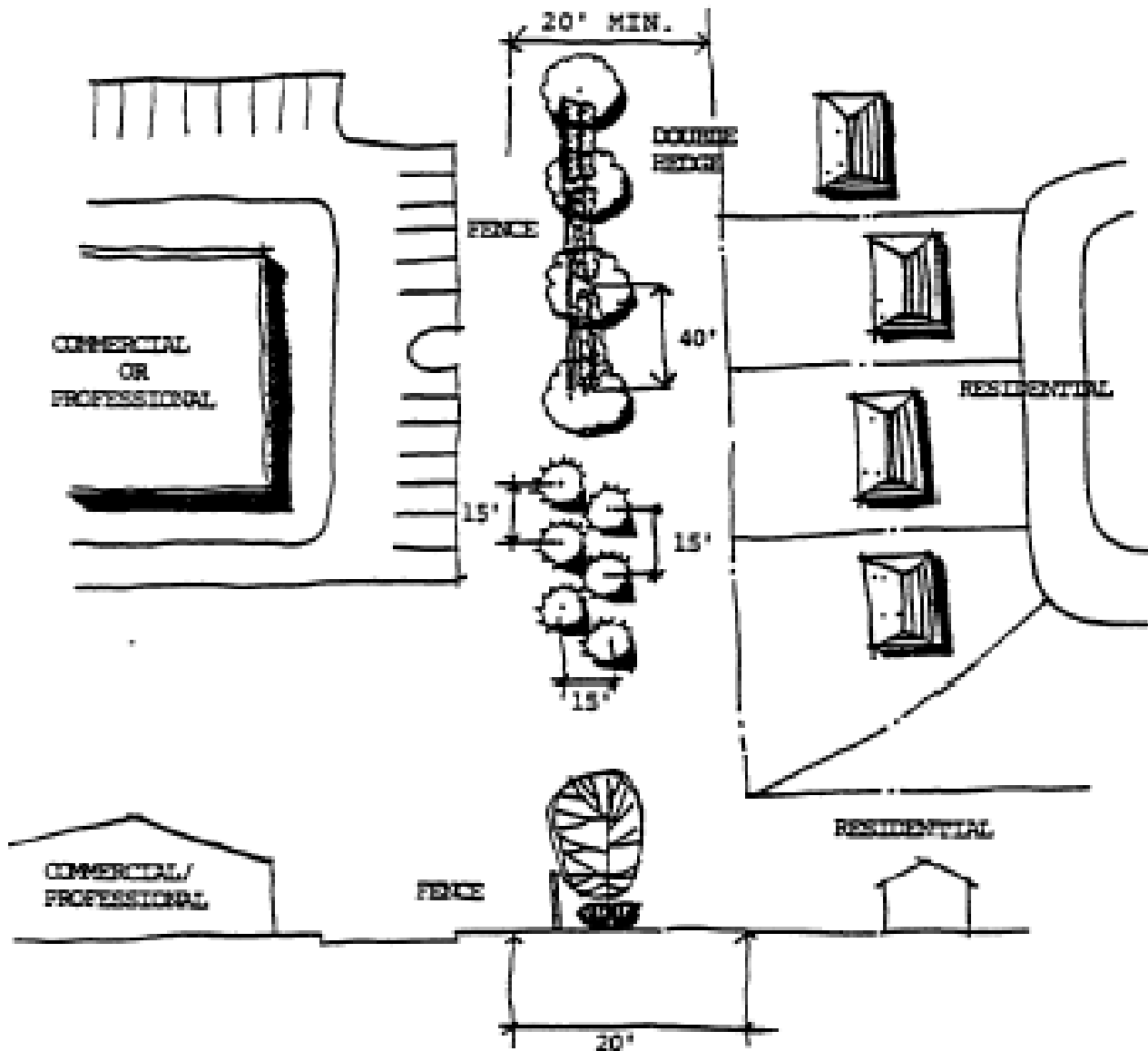
* Duplex and single family residences are both permitted in the RD zone district. No landscaping is required between these uses when both exist side by side within the RD zone district.



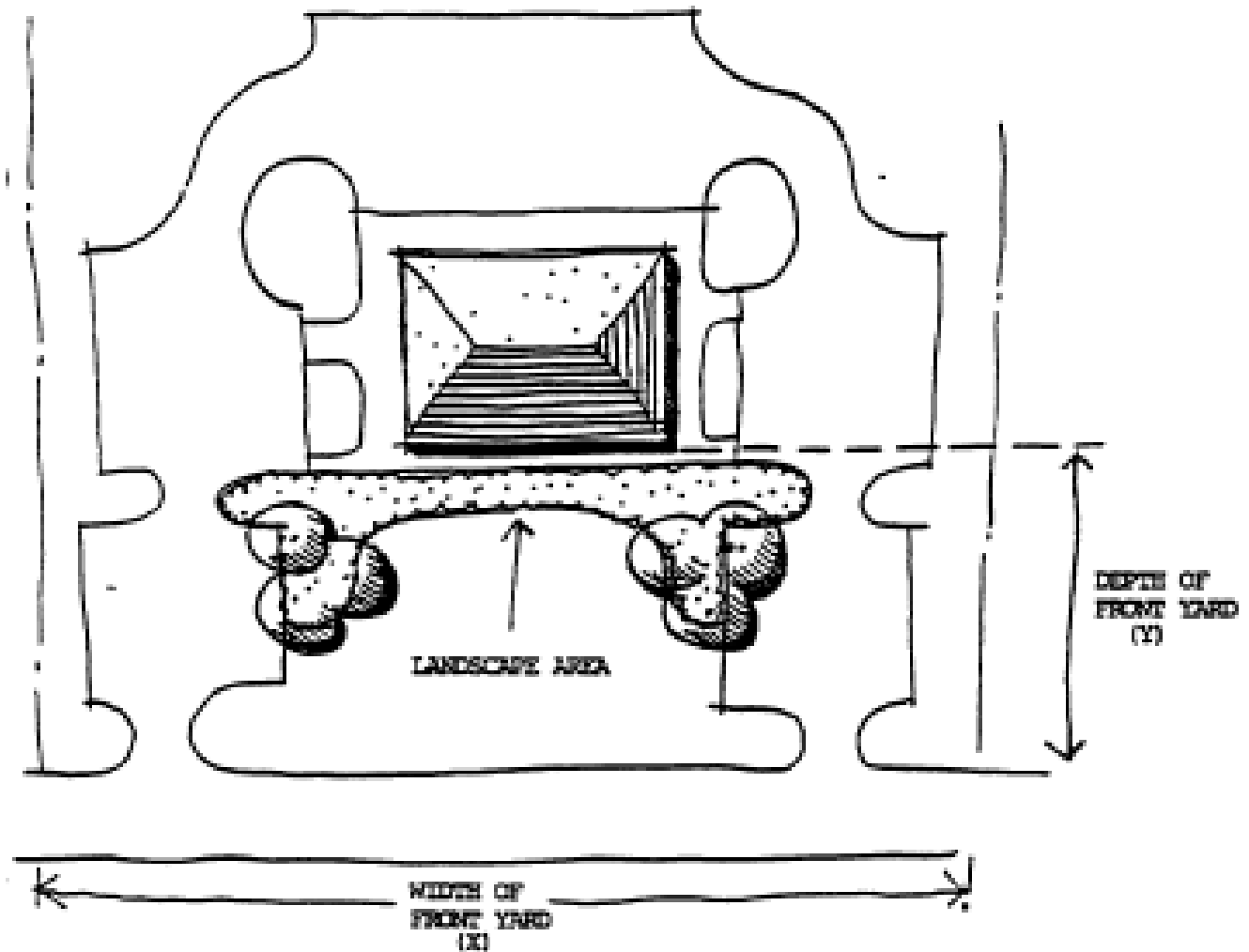
When	Adjoins	Min. Easement	Plant Material
Any high density residential (3 units or greater density) zone or land use	Any single family residential zone or land use	20'	Either 1 tree (A or B) @ 45' OC + a double row 6' hedge (E) or 6' wall or fence or earthmound + a hedge (D) or continuous staggered double row planting of trees (C) 15' OC



When	Adjoins	Min. Easement	Plant Material
Any commercial or professional zone or land use	Any residential zone or land use	20'	Either 1 tree (A or B) @ 35' OC + a double row 6' hedge (E) or 6' wall or fence or earthmound + hedge (D) + 1 tree (A or B) @ 40' OC or double row, staggered, planting of trees (C) 15' OC

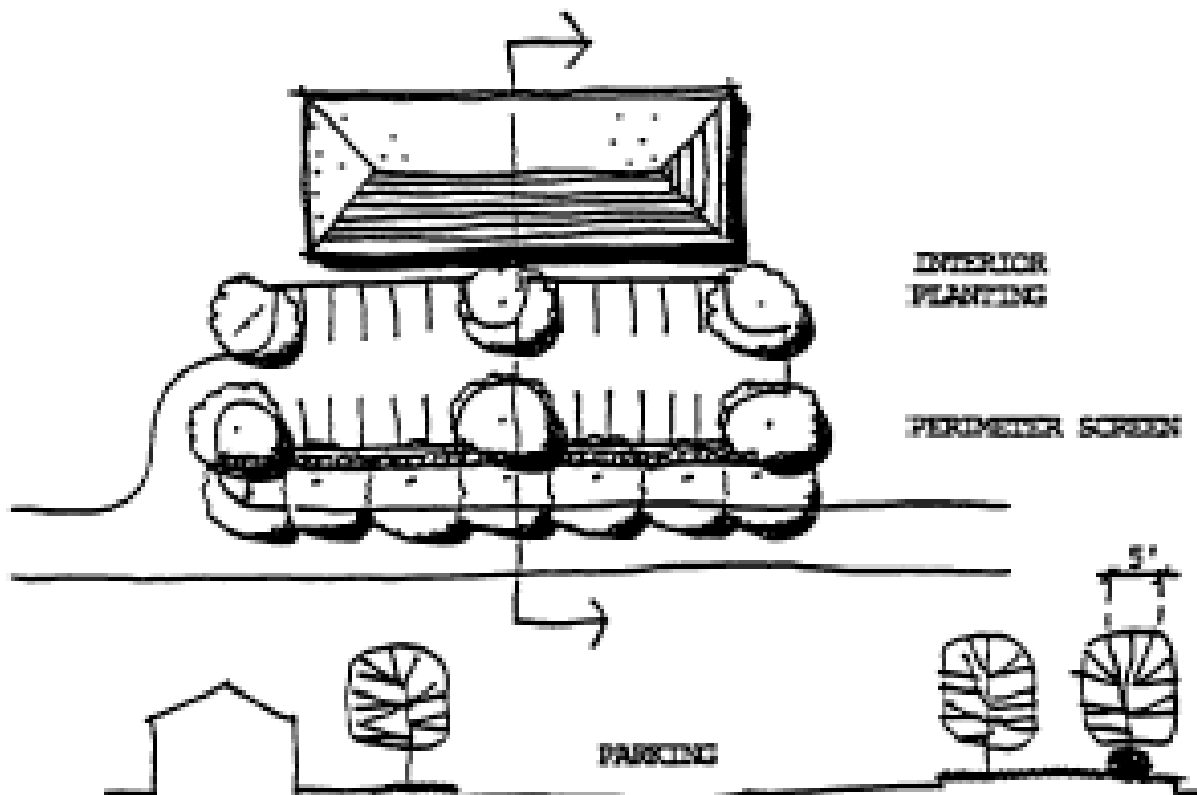


When	Adjoins	Min. Easement	Plant Material
Any general commercial zone or highway zone or land use	The public right of way, public or private street	10% of total front yard area must be landscaped	Trees, shrubs planting beds, and/or perennials in a motif designed by owner. This is in addition to other required landscaping



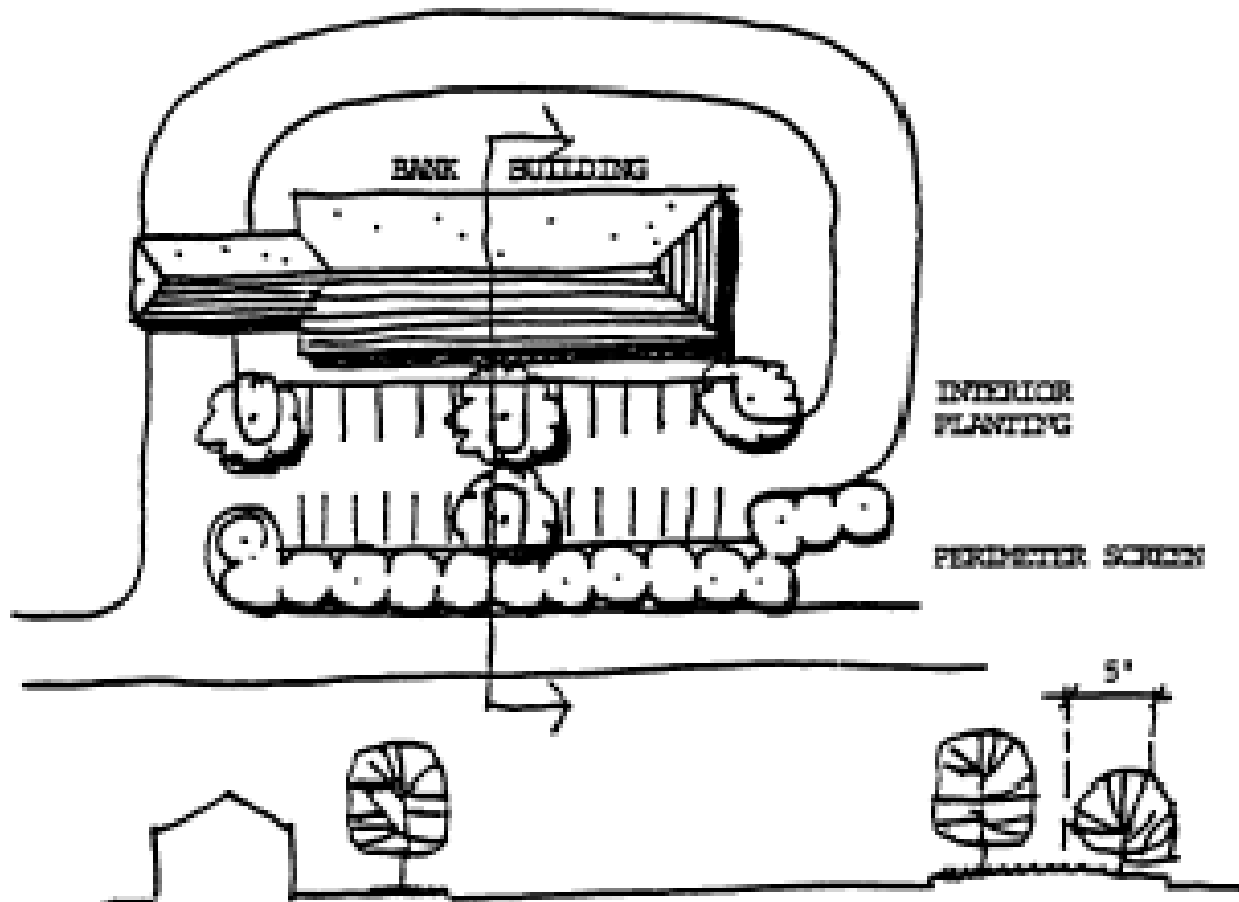
Required Front Yard Landscaping
In Addition to VIA Landscaping = $(X) \times (Y) \div 10$

When	Adjoins	Min. Easement	Plant Material
A Vehicular use area associated with an zone or land use except single family residences, banks, savings & loan, mortgage companies & auto dealerships	Any public or private street	5' perimeter screening easement <hr/> plus 5% interior land scaped area**	Trees (A) @ 40' OC plus shrubs (D or E) @ 3' OC Or Trees (B) @ 25' OC plus shrubs (D or E) @ 3' OC (1 tree minimum) <hr/> Plus 1 tree** (A or B) per 250 sq. ft. of interior landscaped area (1 tree min.)

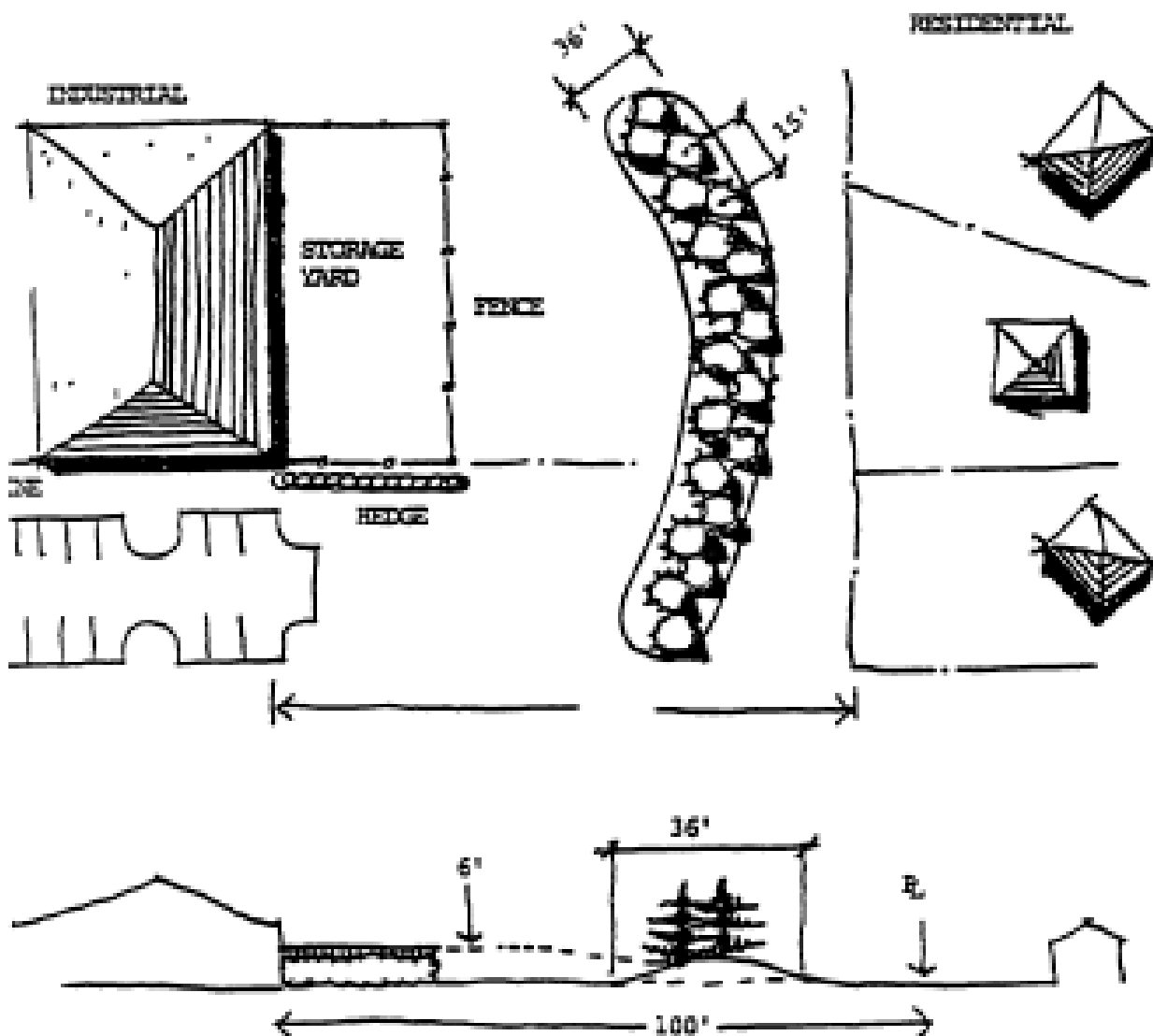


When	Adjoins	Min. Easement	Plant Material
A Vehicular use area at a bank, savings & loan, mortgage company or automobile dealership	Any public or private street	5' perimeter screening easement	Trees (B) @ 20' OC
		Plus 5% interior landscaped area**	Plus 1 tree**(A or B) per 250 sq. ft. of interior landscaped area (1 tree min.)

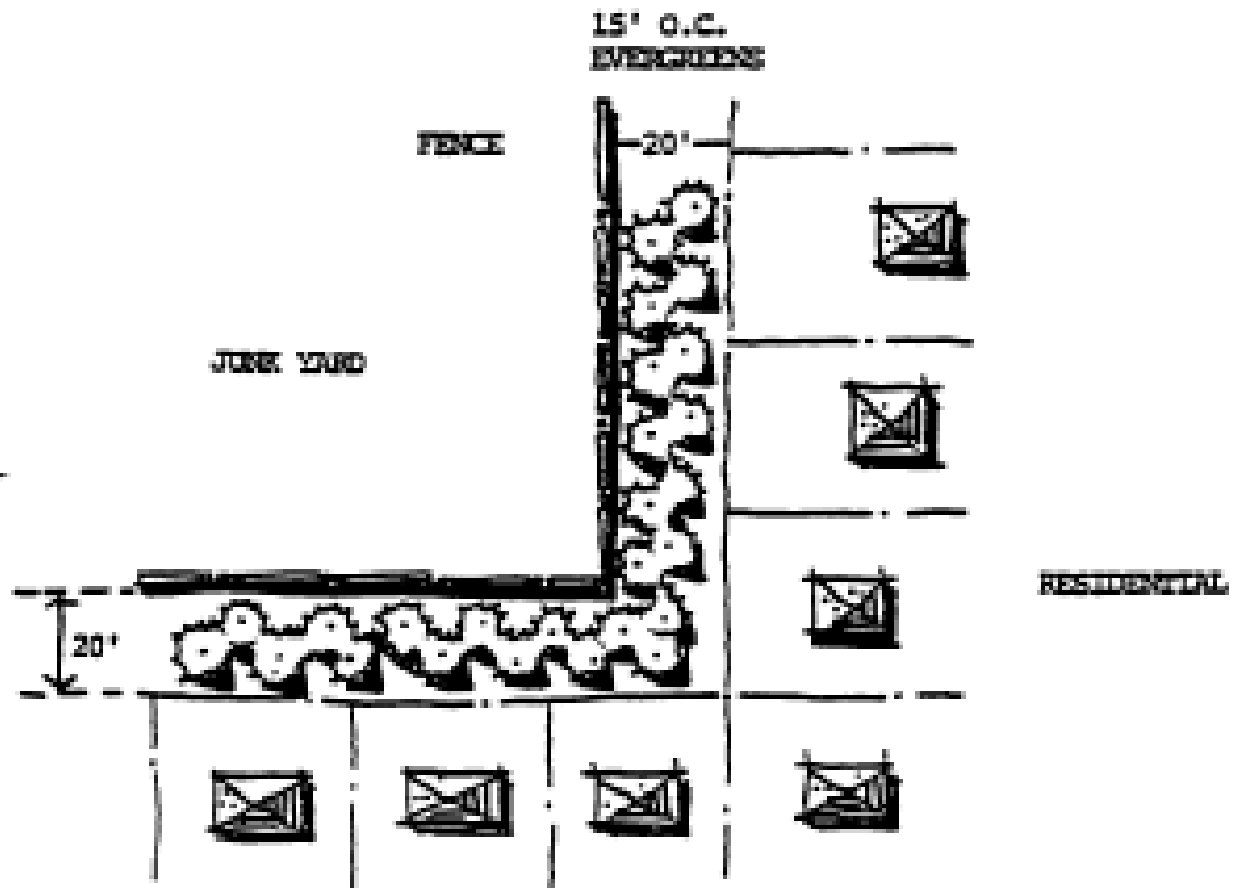
** Interior requirements are not required on parking lots smaller than 5 spaces. Interior landscape areas must be 64 sq. ft. minimum in size. Plants may be no closer than 30" to pavement in the V.U.A. unless concrete wheel stops are used to prevent plant damage by cars.



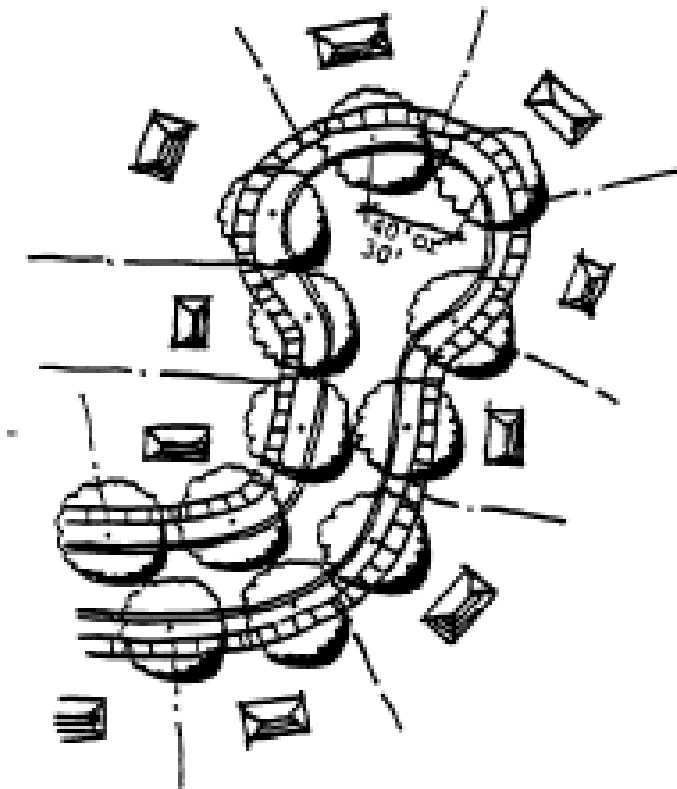
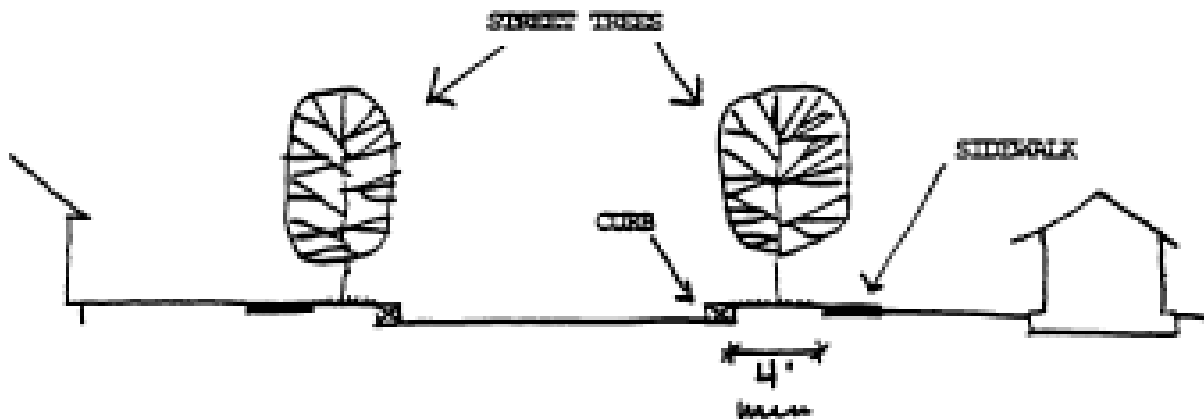
When	Adjoins	Min. Easement	Plant Material
Any industrial zone or and use	Any residential, commercial or professional zone or land use	100' side and rear yard	<p>36' wide 6' tall earthen berm + a double row of staggered trees (C) @ 15' OC</p> <p>Storage Yard – 6' fence or wall + hedge (E) facing front yard only and/or street or drive</p>



When	Adjoins	Min. Easement	Plant Material
A junk, salvage, refuse or parts yard or recycling center	Any zone or street (public or private)	20'	6' solid wall or fence + a single row (D or E) + trees (A or B) @ 35' OC or 6' solid fence or wall + staggered double row evergreens (C) @ 15' OC



When	Adjoins	Min. Easement	Plant Material
Subdivision lots requiring sidewalks	The public right-of-way (street)	4' between curb & sidewalk or edge of pavement & sidewalk	1 tree (A) @ 40' OC or 1 tree (B) @ 30' OC



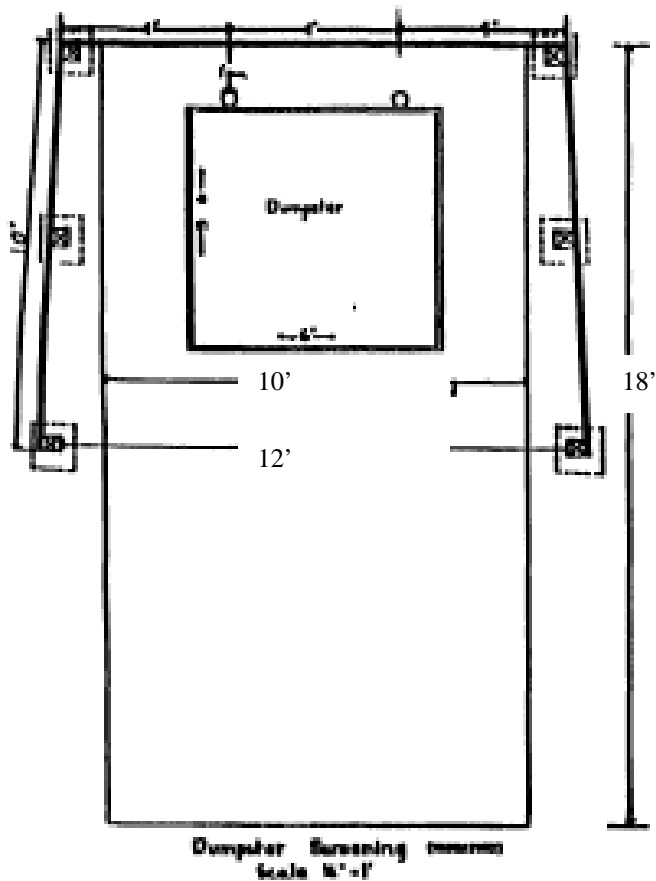
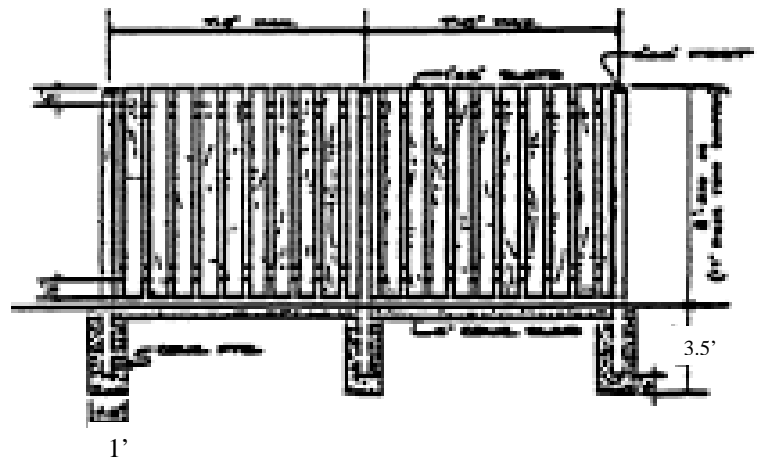


Figure 11



DUMPSTER SCREENING

Screens shall consist of stone, brick, block, wood, or plant material. Chain link fencing is not recommended as a screen. If plants are to be used as screening material they should be planted so as to reach the required height in one year (planting of mature plants recommended.) Plants which die must be promptly replaced.

Article 8 PLANNED UNIT DEVELOPMENT

- 8.01 Purpose. The purpose of Planned Unit Development article of the City zoning ordinance is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve design, character, and quality of new development; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic features of open areas alongside major developments.
- 8.02 Definition. A “Planned Unit Development” involves a project area devoted to a particular group of uses; residential, commercial, or industrial or a mixture of uses, located on a lot or contiguous group of lots held under single, joint, or common ownership.
- 8.03 Applicability of Dimensional Requirements. The lot area, lot width, yard, and usable open space requirements of this ordinance shall not apply to planned unit developments, and the siting and location of buildings; improvements, structures, and common open spaces within the area of the planned unit development shall be controlled by the development plans which are approved for the planned unit development.
- 8.04 Zoning Designation of Planned Development Areas. Areas in Frankfort may be designated by the City Commission upon the recommendation of the Planning Commission.
- 8.041 An area may be zoned if the original request for such designation is made by the City Commission or by the Planning Commission. When a planned area is so zoned, any construction or development proposed shall have a development plan submitted to and approved by the Planning Commission before any building permit shall be issued. Since any such zoned area may encompass several lots under several ownership, the Planning Commission may approve individual development plans for individual parcels providing they first assure that each plan so approved is interrelated with plans for adjoining parcels or is capable of being extended to adjoining parcels of land. (Rev. 12/14/92)
- 8.042 An area may be zoned as a Planned Development based upon applications for such designation by an owner, developer or contiguous owners or developers. Such application shall include:
- A. Conceptual Development Plan: This plan shall include all requirements for a concept plan as found in Article 5 and shall include all the area designated as a planned unit.
 - B. Written Statement: The written statement to accompany the preliminary development plan shall contain the following information:
 - 1. Description of the planned development
 - 2. Land ownership
 - 3. Relationship to surrounding neighborhood

- 8.05 PUD Zoning Designation. Applications for approval of the planned developments shall be submitted to the Planning Commission in accordance with the rules for change of zone. The Planning Department shall review any such plan and forward a report to the Planning Commission. The Planning Commission shall hold a public hearing on the requested PUD zone designation.
- 8.051 Upon conclusion of its public hearings, the Planning Commission shall forward its recommendations, together with the Planning Department report and such other documents as may be pertinent to the City Commission.
- 8.052 The City Commission may then pass an ordinance establishing a zoning district designating the land included in the development plan as a Planned Development District on the zoning map. (Rev. 12/14/92)
- 8.053 Planned Development Districts shall be designated one of the following:
- A. PR – Planned Residential District
 - B. PM – Planned Mixed Use District
 - C. PC – Planned Commercial District
- 8.10 Planned Residential Development (PR).
- 8.101 Definition. A Planned Residential development “PR” is a group of building constructed for residential use and ancillary commercial use, located on a lot or contiguous group of lots held under single, joint, or common ownership, covering at least ten (10) acres.
- 8.102 Criteria for Approval. Uses permitted in a planned unit development may be of the following, provided two (2) or more residential uses are included in each PR zoned land and further provided that the building arrangement, site design and mixture of uses is appropriate to the area in which the planned unit development is located.
- A. Single household detached dwellings.
 - B. Single household semi-attached or attached (townhouses) dwellings.
 - C. Two household dwellings.
 - D. Apartments.
 - E. Recreation uses subject to requirements of these regulations.
 - F. Commercial uses subject to the approval of the Planning Commission, but limited to the uses listed in the “CL” district.
 - G. Community facilities deemed necessary by the Planning Commission.
- 8.103 Total Open Space. The total of all open space in any PR zoned land shall not be less than 50 percent. Open space for this purpose shall include all areas not covered by structures, streets or parking.
- 8.104 Ratio of Use. In any planned residential development the mixture of uses permitted should include at least two or more different residential types.

- 8.105 Commercial Uses. Commercial uses in a Planned Residential Development permitted by the Planning Commission shall be limited to those permitted in any “CL” zone. Commercial facilities provided in a Residential PUD shall be capable of being supported by the residences in that development.
- 8.106 Density. Dwelling unit densities shall be compatible with the zoning districts and the neighborhood in which the Planned Unit Development is located. The Planning Commission may permit an increase in density of up to 25% greater than the density permitted in any adjacent zoning district.

8.20 Planned Mixed Use Development (PM)

- 8.201 Definition. A Planned Mixed Use Development “PM” is a group of buildings constructed for residential and/or commercial use, located on a lot or contiguous group of lots held under single, joint, or common ownership, covering at least ten (10) acres.
- 8.202 Criteria for Approval. Uses permitted in a planned mixed use development may be of the following, provided two (2) or more uses are included in each PM zone and further provided that the building arrangement, site design and mixture of uses is appropriate to the area in which the planned mixed use development is located:
- A. Single household detached dwellings.
 - B. Single household semi-attached or attached (townhouse) dwellings.
 - C. Apartment.
 - D. Recreation uses subject to requirements of these regulations.
 - E. Commercial uses as identified by and listed in the “CG” district, but not including conditional uses.
 - F. Community facilities deemed necessary by the Planning Commission.
- 8.203 Bulk and Area Regulations.
- A. Lot Size: Minimum lot size for a planned mixed use development shall be ten (10) acres.
 - B. Setback: Minimum setback for any structure shall be the setback required in the zone adjacent.
 - C. Open Space: The total of all open space in any PM district shall not be less than 40%. Residential areas shall have at least 50% open space and commercial areas shall include at least 25% landscaped open space.
 - D. Height: In general, height shall be limited to 45 feet. However, to permit the greatest flexibility of design the Planning Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
 - E. Density: Residential densities should not exceed 10 units per acre in single dwelling areas and 16 units per acre over all. Commercial areas should not exceed a FAR of 1.5.

- 8.204 Parking. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs and grass islands to prevent the appearance of open parking lots. All parking and loading requirements shall be in accordance with regulations specified in Article 12 of this Ordinance.
- 8.205 Storage. Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.
- 8.206 Landscaping. A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan. The landscaping plan shall meet or exceed all landscape regulations found in this ordinance.
- 8.207 Access to the planned mixed use complex shall be designed to minimize conflicts in traffic. Insofar as possible, all lot should be designed to front on streets within development.
- 8.208 Street Standards. All streets within the planned mixed use development shall be designed at least to standards of collector streets.
- 8.209 Loading Requirements. One off-street loading area for standing loading, or unloading shall be provided for each 25,000 square feet of usable floor space for each commercial building or contiguous group of commercial buildings.

All loading and unloading facilities must have appropriate means of access to a street or alley and must have adequate area for maneuvering vehicles.

- 8.210 Pedestrian Access. This must be arranged so as to provide safe and convenient routes to, from and within a planned development, and must interconnected by a common pedestrian system, and must separate pedestrian traffic from automotive traffic.
- 8.211 Trees, Ground Cover, Streams and Woodland. These and all other natural features must be preserved, so far as practicable. In addition, adequate landscaping areas must be provided which are appropriate to the commercial development giving consideration to the height, location, siting of buildings, type and configuration of materials used, and the maintenance they require. Adequate landscaping is required for all off-street parking areas.

8.30 Requirements for Planned Commercial Development (PC)

- 8.301 Purpose. The purpose of this section is intended to encourage a unified grouping of commercial and/or industrial buildings which do not require or desire a central location.
- 8.302 Definition. A planned commercial development is a building, structure or grouping of buildings or structures constructed predominantly for commercial or industrial uses located on a lot or contiguous group of lots held under single, joint, or common ownership or lease.
- 8.303 Uses Permitted. It is not the intent of the zone to restrict potential development by limiting uses. In Planned Commercial Zones, uses permitted by include offices, commercial services, shopping centers and light distribution centers and ancillary residential dwellings. In planned industrial zones uses permitted may include manufacturing, distribution, research and development office and subordinate services. Since some permitted uses may be incompatible with others, the developer of a planned commercial complex shall provide the Planning Commission with a list of specific uses proposed in his development which shall be compatible with each other and neighboring uses. In general, planned commercial/industrial developments will fall into one of the following categories:
- A. Neighborhood Retail Centers
 - B. Community Shopping Centers
 - C. Regional Shopping Centers
 - D. Planned Office Parks
 - E. Research and Development Parks
 - F. Distribution and Warehousing Centers
 - G. Industrial Parks
- 8.304 Bulk and Area Regulations.
- A. Lot size: Minimum lot size for a planned commercial development shall be five (5) acres.
 - B. Setback: Minimum setback for any structure shall be the setback required in the zone adjacent.
 - C. Lot Coverage: Maximum lot covered by buildings or structures shall be 50% at ultimate expansion potential.
 - D. Height: In general, height shall be limited to 45 feet; however, to permit the greatest flexibility of design, the Planning Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
 - E. Floor Area Ratio: The floor area ratio shall not exceed (1.5).
- 8.305 Parking. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of open parking lot. All parking and loading requirements shall be in accordance with regulations specified in Article 12 of this Ordinance.

- 8.306 Storage. Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen. Additional requirements for larger buildings are found in Article 11. *(Amended by ordinance on 6-26-06)*
- 8.307 Landscaping. A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to ensure the accomplishment of the landscape plan. The landscaping plan shall meet or exceed all appropriate landscaping regulations found in this Ordinance.
- 8.308 Access to the planned commercial complex shall be designed to minimize conflicts in traffic. Insofar as possible all lots should be designed to front on streets within commercial development. Lots should not have direct access to existing streets, roads, or highways.
- 8.309 Street Standards. All streets within the planned commercial or planned industrial development shall be designed at least to standards of collector streets.
- 8.310 Loading Requirements. One off-street loading area for standing, loading, or unloading shall be provided for each 25,000 square feet of usable floor space for each building or contiguous group of buildings. Minimum dimensions for such loading space should be 60 feet (depth) by 14 feet (width) by 14 feet (height clearance).
- 8.311 Pedestrian Access. This must be arranged as to provide safe, and Convenient routes to, from, and within a planned development, and must be interconnected by a common pedestrian system, and must separate pedestrian traffic from automotive traffic.
- 8.312 Off-Street Parking. These areas must provide safe, and convenient access to streets and thoroughfares, and must be convenient to building groups, and must allow for adequate internal circulation of vehicles.
- 8.313 Trees, Ground Cover, Streams and Woodland. These and all other natural features must be preserved, so far as practicable. In addition, adequate landscaping areas must be provided which are appropriate to the commercial development giving consideration to the height, location, siting of buildings type and configuration of materials used, and the maintenance they require. Adequate landscaping is required for all off-street parking areas.

8.40 Development Plan Approval

- 8.401 Approval of the Planned Unit Development Plan. Following the approval of the zone map amendment to a Planned Unit Development, the applicant shall submit to the Planning Commission a development plan, in accordance with the Subdivision and Development Plan Regulations, covering all of the zoned area.
- 8.402 Contents of the Development Plan. The final development plan shall contain all of the following information:
- A. All requirements for a development plan as found in the adopted Subdivision and Development Plan Regulations; and
 - B. Elevation and perspective drawings for each building, and

- C. Detailed maps of areas to be conveyed as common open space, and of any improvements to be constructed therein, and
 - D. Agreements and covenants which shall govern the use, maintenance, and continued protection of the planned development and its common open space, and
 - F. A development schedule indicating the stages of the planned development and the anticipated rate of development.
 - G. All requirements found in Article 11. *(Amended 6-26-06)*
 - H. All requirements found in the Subdivision and Development Plan Regulations.
- 8.403 Planning Commission Review. The Planning Commission shall review the development plan at a public hearing held in accordance with the rules of procedure of the Planning Commission. At that time, the Planning Commission will review each type of development by use of the relevant substantive requirements found in Article 8, and Article 5 - Section 5.06 and the additional criteria below:
- A. Adequate spacing must be provided between buildings, and structures, giving consideration to their height, design, location and siting; to the placement and extend of facing window areas; and to intervening streets, land contours, topography, and such other natural features as will assure privacy and amenity.
 - B. The planned unit development is appropriately related to the surrounding neighborhood and there is a buffer area of at least 30 feet between the planned unit development and any adjacent residential use district of a lower density. The buffer area must be free of buildings, streets, or parking and must be landscaped screened, or protected by natural features so that adverse effects on surrounding areas are minimized.
- 8.404 Reserved
- 8.405 Waivers and Modifications. In granting these waiver, the Planning Commission shall follow the same guidelines as specified in Section 1.09, Provisions for Waivers and Modifications contained in these regulations.
- 8.406 Fee Schedule. The Planning Commission may establish a fee schedule for planned development applications to cover the cost of processing and review.
- 8.407 Building Permits and Certificates of Occupancy. The Building Official shall issue building permits for buildings and structures in the area covered by the approved development plan if they are in conformity with the development plan as recorded, and within all other ordinances and regulations. *(Rev. 12/14/92)*
- 8.408 Lapse of Development Plan. If no building, structure, or other improvement has been substantially completed in the planned development within two (2) years of the approval of the development plan, the development plan will automatically be revoked and a new development plan will be required for approval prior to issuing a building permit.
- 8.409 Development Plan to Govern. After the approval of the development plan the use of land and the construction, reconstruction, modification or alteration of any buildings, structures, or improvements within the planned development shall be governed by the development plan rather than by the provisions of this Zoning Ordinance.

Article 9 - FLOOD DAMAGE PREVENTION

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ARTICLE 9. FLOOD DAMAGE PREVENTION

9.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

9.1.1 STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes (KRS 100.203) delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of City Commissioners of Frankfort, Kentucky, hereby adopts the following Floodplain Management Regulations, as follows:

9.1.2 FINDINGS OF FACT

- A. The flood hazard areas of the City of Frankfort are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

9.1.3 STATEMENT OF PURPOSE

It is the purpose of this Article is to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
- D. Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

9.1.4 OBJECTIVES

The objectives of this article are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding; and,
- G. Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area.
- H. Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

9.2. APPLICABILITY

9.2.1 LANDS TO WHICH THIS ARTICLE APPLIES

This article shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Board of City Commissioners of the City of Frankfort, Kentucky, from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Board of City Commissioners of the City of Frankfort which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Frankfort.

9.2.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Franklin County, dated September 28, 2007 date, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the City of Frankfort, and for those land areas acquired by the City of Frankfort through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the City of Frankfort and are on file and available for review by the public during regular business hours at the Planning and Building Codes Department at City Hall 315 W. Second St, Frankfort, KY. These FIRM maps are also available for review at the Paul Sawyer Public Library and the City of Frankfort's web site.

9.3. GENERAL PROVISIONS

9.3.1 ESTABLISHMENT OF A FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provision of this article prior to the commencement of any development activities in the special flood hazard areas (SFHA).

9.3.2 FLOODPLAIN DEVELOPMENT PERMIT REQUIREMENTS

Application for a floodplain development permit shall be made on forms furnished by the Floodplain Administrator available at the Planning and Building Codes Department or at the City's website. The permit application will include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

A. Application Stage

- 1) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
- 2) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
- 3) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 9.5;
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction Stage

Upon placement of the lowest floor, **and before construction continues**, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

9.3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with

conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City of Frankfort from taking such lawful action as is necessary to prevent or remedy any violation.

9.3.4 ABROGATION AND GREATER RESTRICTIONS

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

9.3.5 INTERPRETATION

In the interpretation and application of this article, all provisions shall be:

- 1) Considered minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

9.3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This article shall not create liability on the part of the Board of City Commissioners of the City of Frankfort, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

9.3.7 ENFORCEMENT, VIOLATION NOTICE AND PENALTIES

- A. Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this article including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.
- B. Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this article including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this article or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will

request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

- C. Notice of Citation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this article including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this article or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.
- D. Penalties: Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100.00 and no more than \$500.00 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

9.4 ADMINISTRATION

9.4.1 DESIGNATION OF LOCAL ADMINISTRATOR

The Board of City Commissioners of the City of Frankfort hereby appoints the Planning and Building Codes Director, and/or their designee, to administer, implement, and enforce the provisions of this article by granting or denying floodplain development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

9.4.2 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this article. The Floodplain Administrator is further authorized to render interpretations of this article, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review: Review all floodplain development permits to ensure that:

- 1) Permit requirements of this article have been satisfied;
- 2) All other required state and federal permits have been obtained: Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;
- 3) Flood damages will be reduced in the best possible manner;
- 4) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 9.2.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 9.5. Any such information shall be submitted to the Board of City Commissioners for adoption.

C. Notification of Other Agencies

- 1) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and
- 2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and
- 3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

- 1) Certification required by Section 9.5.2 (lowest floor elevations) as shown on a completed and certified **Elevation Certificate**. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with 9.3.1;
- 2) Certification required by Section 9.5.2 (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with 9.3.1;
- 3) Certification required by 9.5.2.C (elevated structures),

- 4) Certification of elevation required by 9.5.5 (subdivision standards),
- 5) Certification required by 9.5.2.E (floodway encroachments),
- 6) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- 7) Review certified plans and specifications for compliance;
- 8) Remedial Action. Take action to remedy violations of this article as specified in Section 9.3.6.

E. Map Determinations.

Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

- 1) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 9.6;
- 2) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 9.5;
- 3) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with a floodproofing certificate - Section 9.5.2.B;
- 4) All records pertaining to the provisions of this article shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

F. Right of Entry

- 1) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this article.
- 2) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
- 3) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

- 4) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this article.

G. Stop Work Orders. Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this article shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

H. Revocation of Permits

- 1) The administrator may revoke a permit or approval, issued under the provisions of this article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- 2) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.

I. Liability Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this article, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this article shall be defended by the department of law until the final termination of the proceedings.

J. Expiration of Floodplain Construction Permit A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

9.5. PROVISIONS FOR FLOOD HAZARD REDUCTION

9.5.1. GENERAL CONSTRUCTION STANDARDS

In all **Special Flood Hazard Areas** the following provisions are required:

- A. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- E. Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
- F. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- G. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- H. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- I. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- J. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this article shall meet the requirements of “new construction” as contained in this article;
- K. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

9.5.2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided, as set forth in Section 9.2.2, the following provisions are required:

- A. **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 9.5.2.C.
 - 1) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding 1 foot above the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.

- 2) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated 1 foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

In all other A zones, elevated 1 foot above base flood elevation.

- 3) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

B. Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Section 9.5.2 or together with attendant utility and sanitary facilities:

- 1) Be floodproofed below an elevation 1 foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 3) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than 1 foot above the level of the base flood elevation, or;
- 4) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in 9.3.1.
- 5) Manufactured homes shall meet the standards in 9.5.2.D.
- 6) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of

flood resistant materials below an elevation 1 foot above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

- a) Be certified by a registered professional engineer or architect; or
- b) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

C. Elevated Structures. New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- 1) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect AND meet the following minimum criteria:
 - a) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- 2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
- 3) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms; and no such area should exceed 300 sq.ft.
- 4) For enclosed areas greater than seven (7) feet in interior height, where elevation requirements exceed six (6) feet above the highest adjacent grade, a certificate of land use restriction or deed restriction shall be provided that stipulates the prohibition of converting the area below the lowest floor to a use or dimension contrary to the structures' original approved design. A copy of such deed restriction or certificate of land use restriction shall be provided prior to the issuance of any certificate of occupancy.

D. Standards for Manufactured Homes and Recreational Vehicles.

- 1) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:
 - a) On individual lots or parcels,
 - b) In expansions to existing manufactured home parks or subdivisions,
 - c) In new manufactured home parks or subdivisions or
 - d) In substantially improved manufactured home parks or subdivisions, or
 - e) Outside of a manufactured home park or subdivision,
 - f) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,
- 2) All Manufactured homes must be:
 - a) Elevated on a permanent foundation, and
 - b) Have its lowest floor elevated no lower than 1 foot above the level of the base flood elevation, and
 - c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- 3) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - a) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:
 - The lowest floor of the manufactured home is elevated no lower than 1 foot above the level of the base flood elevation, or
 - The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
- 4) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:
 - a) Be on the site for fewer than 180 consecutive days,
 - b) Be fully licensed and ready for highway use, or
 - c) Meet the permit requirements for new construction of this article, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- E. Floodways.** Located within areas of special flood hazard established in 9.2.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following additional provisions shall apply:

Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

Note: If 9.5.2.E is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of 9.5.

F. *RESERVED.*

G. Structures Elevated on Fill

A residential or non-residential structure may be constructed on permanent fill in accordance with the following:

- 1) The lowest floor including basement of the structure or addition shall be no lower than 1 foot above the base flood elevation;
- 2) The fill shall be placed in layers no greater than one foot deep before compacting and should extend at least 10 feet beyond the foundation of the structure before sloping below the base flood elevation. The slope shall be no greater than a 2:1 ratio unless a stability analysis is provided by a registered professional engineer;
- 3) The 10 foot minimum in G.2) above may be administratively waived if a structural engineer certifies an alternative method to protect the structure from damage due to erosion, scour, and other hydrodynamic forces;
- 4) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties;
- 5) All new structures built on fill must be constructed on properly designed and compacted fill (ASTM D-698 or equivalent) and must satisfy G.2) above.

H. Vegetative buffer strips (Riparian Zones)

For all activities involving construction within 25 feet of the channel of a creek, stream, wetland, pond, or river, shall meet the additional criteria:

- 1) A natural vegetative buffer strip shall be preserved within at least 25 feet of the mean high water level of any creek, stream, wetland, pond, or river; and
- 2) Where it is impossible to protect this buffer strip during construction of an appropriate use, a vegetated buffer strip shall be installed prior to the issuance of a certificate of occupancy.
- 3) The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided for maintenance purposes.

9.5.3. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS

Located within the special flood hazard areas established in 9.2.2, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- A. No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- B. New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with 9.2.2.

9.5.4. STANDARDS FOR SHALLOW FLOODING ZONES

Located within the special flood hazard areas established in 9.2.2, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures shall:
 - 1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
- B. All new construction and substantial improvements of non-residential structures shall:
 - 1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
 - 2) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in 9.5.2.B.

9.5.5. STANDARDS FOR SUBDIVISION PROPOSALS

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- D. In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.
- E. All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- F. All new subdivision proposals shall document and identify that new public streets will be subject to no more than 6 inches of flood waters during the 1% annual chance flood (100-year flood). Such documentation shall be provided by a registered professional engineer.

9.5.6. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- A. Structure must be non-habitable;
- B. Must be anchored to resist floatation forces;
- C. Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
- D. Built of flood resistant materials below a level 1 foot above the base flood elevation;
- E. Must elevate utilities above the base flood elevation;
- F. Can only be used for storage or parking;
- G. Cannot be modified for a different use after permitting.

9.5.7 CRITICAL FACILITIES

- A. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated 1 foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

9.6. APPEALS AND VARIANCE PROCEDURES

9.6.1 Nature of Variances

The variance criteria set forth in this section of the article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Board of City Commissioners to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

9.6.2 Designation of variance and appeal board

The Board of City Commissioners of the City of Frankfort hereby establishes a Flood Damage Prevention Appeal Board (FDP Appeal Board) consisting of the five City appointed Planning Commission members. The member with the most time served as a Planning Commission member shall be the designated Chairperson of the FDP Appeal Board.

9.6.3 Duties of variance and appeals board

- A. The FDP Appeal Board shall hear and decide requests for variances from the requirements of this article and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this article. The FDP Appeal Board shall require public notice and hearing procedures that are exactly that same as those required by the Board of Zoning Adjustment – detailed in Article 18, Section 18.02.
- B. Any person aggrieved by the decision of the FDP Appeal Board or any taxpayer may appeal such decision to the Franklin County District Court, as provided in Kentucky Revised Statutes.

9.6.4 Appeals/Variance Procedures

In reviewing such applications, the FDP Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article, and the:

- Danger that materials may be swept onto other lands to the injury of others;
- Danger to life and property due to flooding or erosion damage;

- Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- Importance to the community of the services provided by the proposed facility;
- Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- Availability of alternative locations which are not subject to flooding or erosion damage;
- Compatibility of the proposed use with existing and anticipated development;
- Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- Safety of access to the property in times of flood for ordinary and emergency vehicles;
- Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

9.6.5 Conditions for Variances

Upon consideration of the factors listed above and the purposes of this article, the FDP Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

- A. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this article. For example, in the case of variances to an elevation requirement, this means the Board of City Commissioners need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Board of City Commissioners believes will both provide relief and preserve the integrity of the local ordinance.
- C. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.
- D. Variances shall only be issued upon:
 - 1) A showing of good and sufficient cause;
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this article); and

- 3) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
- E. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request
- G. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.3 A through 6.3 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

9.6.6 Variance Notification

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- A. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- B. Such construction below the base flood level increases risks to life and property.
- C. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Franklin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- D. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

9.6.7 Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

9.6.8 No Impact Certification within the Floodway

Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

9.7. **DEFINITIONS**

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

A Zone - Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory use - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Addition (to an existing structure) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

A1-30 and AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood.) Base flood elevations (BFEs) are determined.

AH zone - An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain) Flood depths are shown.

Appeal - A request for a review of the Floodplain Administrator's interpretation of any provision of this article or from the floodplain administrator's ruling on a request for a variance.

AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

Area of shallow flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

B and X zones (shaded) - Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

Base flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this article.

Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - That portion of a structure having its floor subgrade (below ground level) on all four sides.

Building - A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.

C and X (unshaded) zones - Areas determined to be outside the 500-year floodplain.

Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

D zone - An area in which the flood hazard is undetermined.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Elevated structure - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this article.

Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Enclosure - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - Any structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “Existing structures”.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the City of Frankfort based on specific technical base flood elevation data which established the area of special flood hazards.

Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

Flood, Flooding, or Flood Water:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.
- 2) The condition resulting from flood-related erosion. See flood-related erosion.

Flood Boundary and Floodway Map (FBFM) -A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

Flood Hazard Boundary Map (FHBM) -A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate

Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

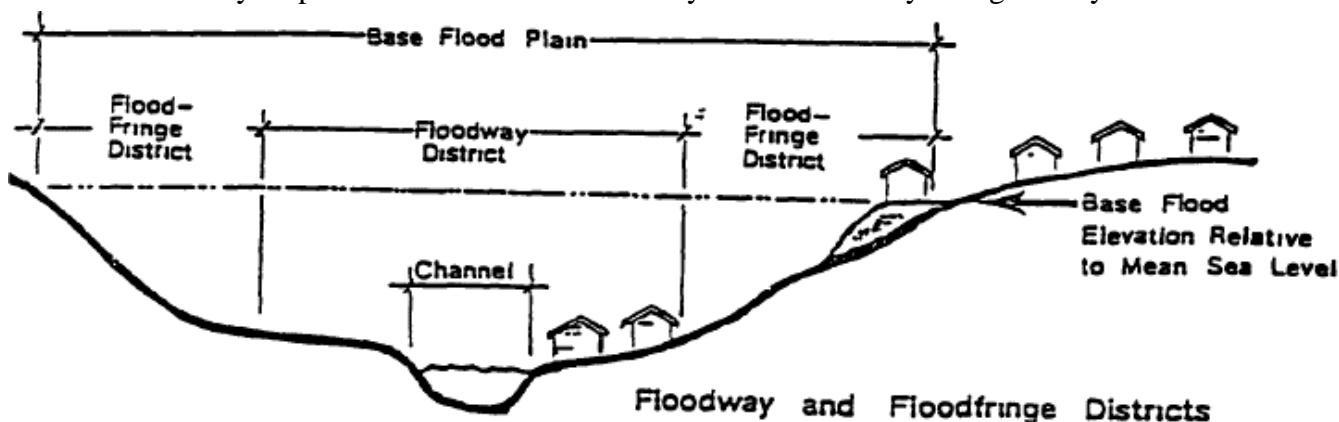
Floodplain Management Regulations - This article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodproofing Certificate - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "regulatory floodway".

Floodway fringe - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.



Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

Fraud and victimization - As related in Section 9.6, Appeals and Variance Procedures, of this article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Board of City Commissioners will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure - Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) – Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building.

ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

Kentucky Revised Statute 151.250 - Plans for dams, levees, etc. to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet)

(1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of

Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

Kentucky Revised Statute 151.320 - Officers required to enforce law.

(1) The mayor or chief executive officer of each city and the county judge/executive of each county, shall have the concurrent duty of enforcing with the cabinet, within their respective cities and counties, the provisions of KRS 151.250, 151.280 and 151.310 and rules and regulations issued thereunder.

(2) When a violation of KRS 151.250, 151.280 or 151.310 within his jurisdiction is brought to the attention of a mayor or chief executive officer of a city or a county judge/executive, he shall immediately notify the cabinet of the location and details of such violation.

Letter of Map Change (LOMC) – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

- 1) **Letter of Map Amendment (LOMA)** – A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- 2) **Letter of Map Revision (LOMR)** - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
- 3) **Letter of Map Revision – Fill (LOMR F)** – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

For a levee system to be recognized, the following criteria must be met:

- 1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).
- 2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Lowest adjacent grade - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term “manufactured home” does not include a “recreational vehicle” (see Recreational Vehicle).

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

Market value - The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community’s FIRM. For purposes of this article, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

New Construction - Structures for which the start of construction commenced on or after the effective date of City of Frankfort's floodplain management regulations and includes any subsequent improvements to such structures.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of City of Frankfort's adopted floodplain management ordinances.

Non-Residential – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Pre-FIRM Construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Probation - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.

Program Deficiency - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle - A vehicle that is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable to a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular Program - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.

Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the article or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

Repair - The reconstruction or renewal of any part of an existing structure.

Repetitive Loss - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sheet flow area - see "Area of shallow flooding".

Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.

Start of Construction (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

Structure - A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.

Subdivision - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

Subrogation - An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial Damage - Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Substantial Improvement - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 1 year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or
- c.) Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

Utilities - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

Variance - Relief from some or all of the requirements of this article.

Violation - Failure of a structure or other development to fully comply with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

X zone - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

9.8. SEVERABILITY

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE 10 ENVIRONMENTAL REGULATIONS

10.01 SE Environmental District.

- 10.011 Purpose. To protect and enhance areas of the community which have environmental problems whether by nature of steep slope, unstable soils, karst geology or other conditions to regulate development in such areas so as to protect the property, the health, the safety and the general welfare of the community.
- 10.012 Establishment of Special Environmental District. A Special Environmental “SE” District is hereby established to overlay any Zoning District of the Frankfort/Franklin County Zoning Map.
- 10.013 Uses Permitted. All uses permitted in the basic zoning districts shall be permitted in the “SE” district, provided the regulations governing “SE” lands have been met.

10.02 Steep Slope Regulations. Development is allowed in areas of Frankfort having slope in excess of 15% provided that:

- 10.021 Thirty percent (30%) of any lot or lots with a minimum of 2,000 square feet per lot shall have a slope of less than 15%.
- 10.022 All steep lots must be served by public sewer and water.
- 10.023 Cut and fill permitted on any steep lot be based upon soil conditions and stability as determined by the City Engineer.
- 10.024 Any lot not having thirty percent (30%) less than fifteen percent (15%) slope shall have a minimum area of three (3) acres.
- 10.025 A soil engineer shall certify that any proposed steep slope development shall not endanger private or public property or result in the deposit of sediment or debris or interfere with any existing drainage.
- 10.026 Roads and streets shall be designed to conform with natural topography. To minimize cut and fill, the Planning Commission may authorize development of one-way streets of ½ normal right-of-way and pavement width of 18’. Design of such streets shall be in accordance with engineering standards approved by the City Engineer.
- 10.027 Drainage, storm drainage and runoff from impervious surfaces shall be diverted to an outlet approved by the City Engineer. Methods used to prevent erosion can include but not be limited to filtration beds, subsurface conduit or surface storm drainage systems.

10.03 Unstable Soil. Wherever soil conditions, as identified by the U.S. Soil Conservation Service Soil Survey for Frankfort are not found to be sufficiently stable to support buildings or structures then no building permit shall be issued unless:

- 10.031 An engineering report approved by the City Engineer indicates that sufficient stability exists to permit building.
- 10.032 Any proposed structure is engineered and designed to avoid or mitigate the adverse impact of unsuitable soil stability. Plans for any such structure must be approved by the City Engineer.

- 10.04 Areas of Karst Topography. Development in karst areas should be discouraged, however, since underground caves and drainage ways are not fully identified, building may be permitted provided:
- 10.041 No building or structure shall be constructed within 50' of the rim of any identified "sink hole".
- 10.042 No drainage plan for any lot or combination of lots may utilize a sink hole or underground natural drain as any part of that drainage system to carry runoff or storm drainage from the lot or lots.
- 10.043 The rate of runoff into any natural underground drain system resulting from the construction on any lot or lots shall not be increased above the rate for those lots in an undeveloped state.
- 10.05 Preservation of Natural Cover. Land to be developed shall be designed and improved in conformance with existing natural features in order to minimize runoff and erosion.
- 10.051 Developments on one or more lots shall follow existing natural contours.
- 10.052 As far as possible existing natural vegetation shall be preserved.
- 10.053 Finish land grades shall be such that there is not ponding of water and that surface runoff will not cause serious erosion.
- 10.20 Solar Energy.
- 10.21 Purpose. To permit and encourage development within the community which will permit use of solar power as a means of energy conservation.
- 10.22 Applicability. Benefits outlined in this section may be made available to development in any zoning district providing the overall structural design is not incompatible with existing development.
- 10.23 Solar Orientation. New developments are encouraged to be designed with proper solar orientation. New streets should be laid out with a predominant E/W alignment. Cross streets should be N/S.
- 10.231 Lots fronting E/W street should have a structure site with a southern exposure along the long building axis.
- 10.232 To improve solar access the Planning Commission may:
- A. Reduce front yard requirements for lots along the south side of E/W streets.
 - B. Reduce the rear yard requirements of lots along the north side of E/W streets.
 - C. Reduce either front or rear yard requirements but increase lot width and side yard requirements for lots along N/S streets.

10.233 To determine modification of lot size or yard width a site plan shall be submitted to Planning Commission which meets the requirements of the “Site Plan Regulations” and:

- A. Specifies bulk and height of building on any lot.
- B. Delineates solar shadow pattern for each model of building.

10.24 Landscaping street trees, screen trees and other landscape required by the site plan may be modified to insure better solar access.

10.241 Trees planted along the south side of buildings should be deciduous varieties. Trees whose leaves may continue to cling to branches through the winter, such as oak, should be discouraged. This provide solar access during the winter and summer shade.

10.242 If active solar heating and cooling is proposed trees should not shade solar collectors.

10.25 Bonuses. To encourage use of solar access the Planning Commission may allow a bonus of 10% reduction in lot area for developments designed for solar access. Such bonus can compensate for additional right-of-way which may be required to achieve proper solar orientation.

10.26 Solar Orientation on Existing Lots of Record.

10.261 To encourage proper solar orientation on existing lots the Board of Adjustment may grant variances of front, side or rear yard requirements where such requirements would make it impractical to orient the proposed structure with proper solar access.

10.262 When any such variance is requested the applicant shall provide the board with a site plan showing:

- A. Proposed structure location site indicating solar access.
- B. Height of structure.
- C. Shadow pattern of structure and neighboring structures or other features which may affect solar access.

10.27 Environmental Buffer Regulation.

10.271 In order to facilitate provisions for the compatibility of land uses, where it is necessary to deter acoustic, air and visual pollution, the Planning Commission shall require a landscape buffer area. This landscape buffer area must be provided in accordance with Article 7, Landscape Regulations or may require the additional requirements found in Article 11.

(Amended 6-26-06)

ARTICLE 11 COMPATIBILITY AND DESIGN STANDARDS

11.01 GENERALLY

The regulations contained in this Article provide minimum land use compatibility, design and performance standards and requirements for non-residential developments. This article is applicable to specific uses that are either commercial, industrial, or the redevelopment of existing commercial or industrial zoned property. These regulations are in addition to and supplement the regulations contained in all other Articles of these Zoning Regulations.

11.02 Purpose

These compatibility and design requirements of this Article are intended to: protect the health, safety and welfare of property owners, residents and visitors; prevent the creation of nuisances and/or reduce the potential adverse impacts associated with the use of lands; and, protect and preserve natural and man-made resources for the continued use and enjoyment by the community.

11.03 Relationship to Comprehensive Plan

These regulations serve to implement the following adopted Goals and Policies of the Comprehensive Plan: Goal 5 (and Policies 1 through 6), to “protect the integrity of the natural environment, including water, air, and land quality”; Goal 6 (and Policy 3), to “promote the stability, preservation, and vitality of existing residential neighborhoods”; and Goal 7 (including Policies 3 and 5), to “promote high quality development that strengthens community character and pride”.

11.04 Compatibility Standards

11.04.1 All new commercial or industrial development within any zone shall be required to satisfy the following criteria:

A. Exterior Lighting:

- 1) All exterior lighting shall be recessed or shielded (directionally or entirely).
- 2) Parking, street, and security lighting shall not exceed (35) feet in height, unless otherwise approved by the Planning Commission.
- 3) Nuisance glare is prohibited. Developer/applicant shall provide the photometric data or study showing the angle of light emission and documentation verifying light distribution along the subject property line does not exceed more than half (1/2) a foot-candle for adjoining residentially zoned property or no more than one (1.0) foot-candle for all other adjoining uses or zones.
- 4) Applicant shall provide a description of the luminaries, including lamps, poles or other supports and shielding devices (manufacture catalog cutout or equivalent details shall be provided).
- 5) All luminaries mounted on or recessed into the lower surface of canopies, pavilions, or drive-through bays shall be fully shielded so the light bulb is not directly visible.

B. Parking lot design

- 1) Continuous parking rows shall not exceed 17 parking spaces, unless separated by landscaped islands with a minimum width and depth equal to a parking space.
- 2) Every parking row end shall provide a landscaped island not less in size of a standard parking space.

C. Exterior Construction Hours Limited:

Exterior Construction of an approved development or building permit, including any grading, blasting, or excavation work, shall not take place during the hours of 10:00 p.m. through 6:00 a.m. This restriction is applicable seven (7) days a week. Special exceptions to this restriction may only be granted by either the City Manager for property within the city limits or the County Judge Executive for properties within Franklin County and outside of the city limits.

11.04.2 Additional Design and Compatibility requirements for specific Commercial Development within the following zoning districts: CL, CG, CH, PC, or PM.

A. Applicability

- 1) Development of commercial uses that contains a proposed single building of 40,000 sq.ft. or more and has not obtained a final development plan approval as of December 31, 2005, shall be required to satisfy section 11.05 of this article.
- 2) EXCEPTIONS: property owned by the government and the area used as the main assembly of worship for religious institutions.

11.04.3 Additional Design and Compatibility requirements for specific Industrial Development Requirements within the following zoning districts: IC, IG, or PC.

A. Applicability

- 1) Development of industrial uses that contains a proposed single building of 40,000 sq.ft. or more and has not obtained a final development plan approval as of December 31, 2005, shall be required to satisfy section 11.05 of this article.
- 2) EXCEPTIONS: property owned by the government, the area used as the main assembly of worship for religious institutions, and property within an approved Industrial Park that is managed by CCEIDA (Capital Community Economic/Industrial Development Authority).

11.04.4 Additional Design and Compatibility requirements for specific Redevelopment of non-residentially zoned property within the following zoning districts: CL, CG, CH, PC, PM, IC, or IG.

A. Applicability

- 1) Any existing structure that does not meet section 11.1 of this Article is hereby determined as a non-complying structure. Any maintenance, repairs, or replacement due to damage of such structure shall comply with Article 15, Section 15.07 of this Zoning ordinance.
- 2) The redevelopment of any existing structure by more than 50% of its fair market value of the building – either pre or post improvements - (as determined by a property appraiser), shall require the entire structure to be brought into compliance with this Article.
- 3) EXCEPTIONS: property owned by the government, the area used as the main assembly of worship for religious institutions, historic structures or historic zoned property, and properties managed by the CCEIDA.

11.04.5 Additional Design and Compatibility requirements for specific development of non-residentially zoned property within the Central Business - Special Historic zoning district (CB).

A. Applicability

- 1) *Reserved*

11.05 Community Impact Analysis

These requirements are intended to protect the health, safety and welfare of residents as well as: avoiding adverse impacts to adjoining or adjacent sites and land uses; reducing light pollution in urban, suburban and rural areas; provide standards for the control and mitigation of noise, odor and vibration that may be associated with individual land uses; define appropriate hours of operation of land uses that protects adjoining property owners and residents from unwanted noise and other potential nuisance elements associated with the operation of a land use; and provide specific design standards for large scale non-residential development (40,000 sq.ft. or more) to ensure their compatibility with the surrounding area and community.

11.05.1 Community Impact Analysis required for Large Scale Developments

The following requirements of the Community Impact Analysis shall be required to be fulfilled by the applicant for any proposed **non-residential** development identified in Section 11.04.2, 11.04.3 or 11.04.4 of this Article to assist in determining the compatibility of the project.

- A. Narrative description summarizing the project and land uses, positive impact of the development; adverse impacts and mitigation provided; identify the features or improvements of the project that qualifies it as compatible to the area; and findings of why the project should be supported; and

- B. Applicant Impact: Written background information regarding the developer/applicant/corporation representatives, with detailed information about prior development experience; and
- C. Traffic Impact: A traffic report: shall include but not limited to - pre and post average daily trips generated, AM and PM peak hours– with phases identified; sight distances, on-site traffic circulation and parking layout – to reduce internal turning movement conflicts; pedestrian movement, traffic controls, identify any required or suggested mitigation improvements; and pre and post LOS for effected roadways. [NOTE: a finding of a negative impact of any one of these items does not mandate the denial of the overall project]; and
- D. Utility/Service Impact: Complete the Adequate Public Facilities and Services certificate/study review process, even if exempted by the Subdivision and Site Plan Regulations; and
- E. Environmental Impact: identify and evaluate the potential impacts and required mitigation concerning the existing ecological and physical characteristics of the site (pre and post), to include karst topography, wetlands, sink holes, endangered or rare species or plants, water recharge areas or reservoirs, flood plains, streams/creeks, ridgeline protection; air quality, noise, vibration, and exterior lighting; and
- F. Neighborhood impact: describe the anticipated number and types of jobs to be created, amount of local labor to be used, the anticipated impact on the community including surrounding neighborhoods, natural resources, costs anticipated to the community resulting from increased public services (police, fire, ambulance, E911, public works), and projected tax revenue generated by the project.
- G. A development plan in accordance with the adopted regulations; and

11.05.02 Specific design standards for large scale developments

- A. Building Mass and Architecture requirements

1) Building Façade/mass:

- a) Each 100 linear feet (horizontal) shall provide a minimum of a 5 feet in depth and 25 feet in width recess or projection.
- b) Every primary access shall provide a distinctive roof form plus one or more of the following elements: Display windows, arcades, arches, canopies, or overhangs.

- c) Building façades facing streets, adjoining developments or visible from residential properties shall have architectural features and patterns, which promote the reduction of the building's mass. These features shall include two (2) or more of the following: change to the wall plan by reveals, projecting ribs, or offsets; change of color, change of building material (stone, brick, or stucco). Furthermore, 50 percent of such façades shall contain features such as windows, entrances, arcades, arbors or awnings.
- d) All other building façades shall contain the same building material, color or theme as the primary façade.
- e) Any new building over 85,000 sq.ft. shall not be located closer than 250 feet from any Residentially zoned property.

2) Roof Form:

- a) Building's roof line along the façade (parapet wall) shall be varied with a change in height and architectural details every 100 linear feet (horizontal) to reduce the appearance of the building mass. This can be accomplished by providing at least two of the following: projecting gables/dormers; overhanging eaves by three (3) feet or more beyond the supporting wall; parapet walls with three-dimensional cornice treatment extending no more than 1/3 of the height of the supporting wall; three (3) or more roof slope planes.
- b) No mechanical equipment placed upon a roof shall be visible from any public streets, adjoining developments or visible from residential property, to the maximum extent possible with consideration given to adjacent topography.
- c) Alternating lengths and or alternate designs may be deemed acceptable by the Planning Commission during a public meeting.

3) Entryways: these elements should enhance the building orientation and aesthetically pleasing character of the buildings.

- a) Entryways are encouraged to be located and part of Subsection A.1)a. above.
- b) Entryways shall be designed to further implement Subsection A.1)c. above.

4) Building material:

- a) The design of the building shall incorporate at least two (2) of the following exterior materials to provide visual interest at the sidewalk level for pedestrians such as Brick; Stucco; Stone; or Tinted, textured masonry block (excluding smooth-faced gray and tilt-up panels), drivet/EFIS, or other material as approved by the Planning Commission.

- b) Metal , except as provided in (a) above, may only be used as roof material or as a trim feature. If used as a trim feature, the metal material shall not cover more than ten percent (10%) of the façade area.
- c) Façade and visible roof colors shall be non-florescent colors.
- d) All buildings within a development, including out lots and any lot or parcel that was part of an overall development plan shall be architecturally unified (all buildings shall be related in architectural style, color scheme, and/or building materials.)

5) Fences/walls:

- a) Freestanding walls, including retaining walls, shall be constructed of high-quality materials, such as tinted, textured masonry blocks; brick; or stone; and shall compliment the buildings design, overall development, and surrounding properties. Exposed cinder block walls are prohibited, unless otherwise approved by the Planning Commission during a public meeting.
- b) Fences shall be constructed with material such as treated wood, PVC, vinyl, or ornamental metal , or other material if approved by the Planning Commission on a case by case basis. Chain link, including those with slats, are discouraged. Such fences shall compliment the building design and overall development. Any use of PVC or Vinyl fencing shall be the same color as the primary material of the building. Fences limited to area for a specific recreational use, such as tennis courts or ball fields may be authorized to use chain link.
- c) Continuation of design: Fences and walls, including retaining walls, shall provide columns, landscaping pockets, change of material type, reveals, projecting ribs or offsets to break up continuous lengths of fences or walls at an average of each forty (40) foot interval.

11.05.03 Public spaces:

- A. A safe and landscaped pedestrian circulation system shall be provided on site that connects each building and out lot to each other from the public street sidewalk.
- B. Pedestrian walkways within the development shall be differentiated from driving surfaces (i.e. a change in elevated materials.)
- C. At least one pedestrian amenity shall be provided in addition to a public transit pull-off and shelter, for each 60,000 sq.ft. of gross building area. These amenities may include bicycle racks, outdoor seating areas, maintained green space/play area, or courtyard, which may be combined into one or more locations in order to create a larger amenity. These public spaces shall have direct access to the pedestrian circulation system of the development.

11.05.04 Parking lot standards:

- A. Surface parking lots shall not exceed 150 parking spaces, unless divided into two (2) or more sub-areas by an internal landscaped drive, buildings, or landscaped pedestrian walkway. The Planning Commission may approve an alternative design, provided sufficient safe and landscaped pedestrian walkways are provided.
- B. Surface parking areas shall not be located closer than 100' from any Agriculture zone or any residentially used or zoned property.

11.05.05 Exterior display and storage area – Loading areas and outdoor storage/sale areas can exert negative impacts on surrounding neighborhoods. These areas, when visible from adjoining residential properties and/or public streets, should be screened, recessed or enclosed. Appropriate locations for outdoor storage areas shall be proposed within all new development and redevelopment.

A. Standards:

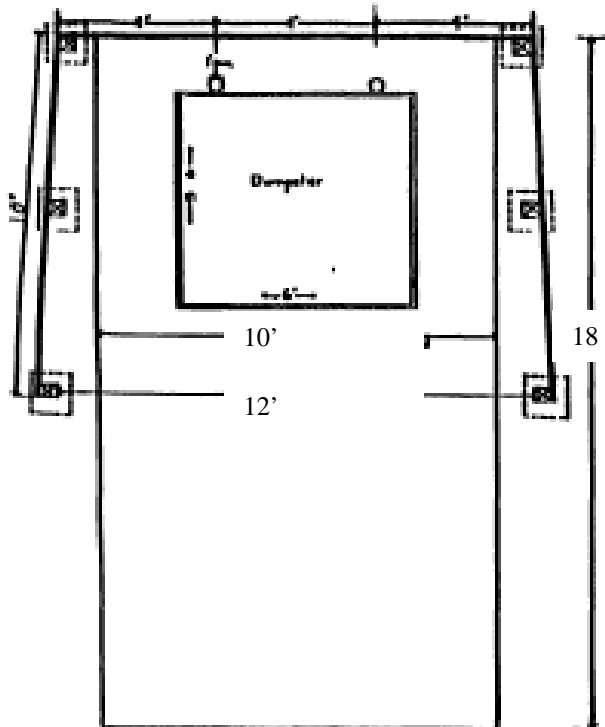
- 1) No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any street right-of-way or property line.
- 2) Loading docks, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these features are properly screened. The use of screening materials shall be compatible and consistent to the principal materials of the building and landscape.
- 3) Non-enclosed areas for the permanent storage and sale of inventory shall be identified on plans and screened with walls, knee walls and decorative fencing (i.e. wrought iron), landscaping or combination thereof (see illustrative examples below). Materials, colors, and designs of screening shall conform to those used as permanent and predominant materials and colors of the building.
- 4) Display merchandise may not extend above or be stacked higher than the screened area enclosure.
- 5) Temporary sales/displays or seasonal merchandise
 - a) Shall be designated on the development plan and located immediately adjacent to the building
 - b) Shall provide a minimum of a 6' wide pedestrian walkway (clear zone) between the seasonal display area and any drive isle.
 - c) The 6' wide pedestrian walkway (clear zone) shall contain permanent ground markings to identify the clear zone from the temporary display areas.
 - d) If proposed within the parking lot: Any areas planned to be used temporarily within the parking lot area shall be required to provide a minimum of a 6' solid screening by the means of a wall or fence. The material shall be brick, decorative blocks, or decorative fencing (PVC/Vinyl) as approved by the Planning Director; however, this does not apply to itinerate merchants such as firework displays or Christmas tree sales. The length of time/duration of such sales/displays shall be reviewed and approved by the Planning Director or appointed designee. Such areas shall also be identified on a development plan to ensure the safe, health, and welfare concerns are addressed.

- 6) The above screening requirements are not required for the following goods displayed for sale: new or used vehicles, trailers, boats, or utility buildings. However, screening shall be required, if such goods are for storage only or associated with a salvage yard.

B. Illustrative examples of screening for outdoor storage/sales



11.05.06 Refuse and grease collection – all refuse collection areas (as well as above ground grease traps) shall be built to the standards below, however, the material of such screening shall be consistent with the principle exterior material of the buildings (ie. Brick, stone, stucco, textured masonry block). Additional landscaping shall be provided to shield the direct view from a public street. Alternative designs may be approved by the director when such designs are determined to provide a more compatible design with the principle structure.



11.05.07 Noise, odor, and vibration:

- A. Commercial loading or service bays shall not be located closer than 200 feet from any residentially zoned or used property.
- B. Outdoor intercom or PA systems shall not be used or installed closer than 200 feet from any residentially zoned or used property and shall not be directed toward such property.
- C. No outdoor loading or unloading of material or merchandise that requires the use of a motorized forklift or similar device shall occur after 10:00 p.m. or before 7:00 a.m.
- D. Delivery and or Semi-trucks shall not be parked overnight (after 11:00 p.m. or before 6:00 a.m.) within 200 feet from residential zoned property.
- E. The Planning Commission may modify these noise and vibration requirements if they determine that the developer has provided sufficient data and design mitigation to adequately address the noise and vibration impacts during a public meeting.
- F. Odor requirements – *reserved*

ARTICLE 12 MINIMUM OFF STREET PARKING REQUIREMENTS

(amended 11-24-08 Ord # 25, 2008)

12.01 Parking Required in Various Zoning Districts. In all districts there shall be provided adequate off-street parking areas in accordance with the requirements of this article whenever there is an addition or enlargement of an existing building, change of use or number of employees, or increase in floor area or development of any new structure.

12.011 In all zones except SC, CB and SH, parking for any residential structure, single dwelling or multiple dwelling shall be provided in accordance with requirements in these tables on the same site as the residential structure.

12.012 In SC, CB or SH zones adequate parking may be provided by the business or residence, or may be commercial, public or on street parking along the site. Provision of parking is not required in individual business in the SH or CB zones. Parking for residences may be ½ that required in other districts. All parking spaces, including driveways, within the SC, CB, or SH that is located off-street is highly recommended to be constructed from pavers, rather than solid concrete or asphalt, in order to assist in reducing the total impervious surface of the site.

12.013 Parking for any business shall be in a Professional Office (PO) or Commercial (C) zoning district; parking for any industrial use shall be in an Industrial (I) district. No industrial or commercial parking may be permitted in any residential district. All required parking shall be provided on the same site as the principal use or within 200 feet of such site.

12.02 Table of Required Parking. Off-street parking shall be required for various uses in accordance with the following table. (ORD 3-2005)

TABLE OF REQUIRED PARKING

LAND USE	PARKING SPACES REQUIRED	PER UNIT
1. Dwelling Units		
Single Unit	2.0	Dwelling Unit
Duplex	2.0	Dwelling Unit
Townhouse	2.0	Dwelling Unit
Apartments	1 +.5	Bedroom Max. 2.5
2. Auto & Truck Repair	4.0	1,000 sq. ft. service area
3. Auto Sales	1.25	1,000 sq. ft. building exclusive of repair and service areas but in no case less than 5 spaces
4. Banks	3.0	1,000 sq. ft. gross floor area
5. Barber & Beauty Shops	3.0	Chair
6. Bowling Alley	5.0	Alley
7. Country Clubs & Private Clubs	1.0	4 members
8. Churches	1.0	4 seats or 50 sq. ft.
9. Dormitories, Group Quarters	1.0	3 beds
10. Funeral Parlors	1.0	4 seats or 32 sq. ft. floor area

LAND USE	PARKING SPACES REQUIRED	PER UNIT
11. Greenhouse/Nurseries	1.5	1,000 sq. ft. floor area
12. Hospital/Nursing Home	1.0	2 beds
13. Indoor Recreation	10.0	1,000 sq. ft. floor area
14. Laboratories, Studios	1.0	2 employees
15. Laundry, Dry Cleaning	5.0	1,000 sq. ft.
16. Manufacturing, Industrial	1.0	2 employees, combined 2 shifts
17. Medical Office	10.0	Doctor
18. Dental Office	6.0	Dentist
19. Other Professional Offices	3.0	1,000 sq. ft. gross floor area
20. Motel, Hotel	1.0	Room or unit
21. Museum, Art Galleries	1.5	1,000 sq. ft.
22. Penal or Correctional Institution	1.0	2 employees
23. Race Tracks	1.0	3 seats
24. Recreation: Golf Courses Swimming Pools Tennis Courts	1.5 1.0 4.0	Hole 30 sq. ft. water surface Court
25. Retail, high intensity (ie: grocery, meat, apparel, drugs, variety, similar)	6.0	1,000 sq. ft. gross floor area
26. Convenience stores with fuel pumps	6.0 * (see footnote * below for credit of parking at pump)	1,000 sq. ft. gross floor area
27. Retail, low intensity (ie: appliance, furniture, T.V.)	3.0	1,000 sq. ft. display floor area
28. Restaurant, table service	8.0	1,000 sq. ft. gross floor area
29. Restaurant, fast food	12.0	1,000 sq. ft. gross floor area
30. Schools: Nursery Elementary Secondary & College Trade & Vocational	3 + 1.0 1.0 8.0 5.0	Employee Classroom Classroom Classroom
31. Shopping Centers	5.25	1,000 sq. ft. leasable floor area
32. Theaters, Auditoriums	1.0	3 seats
33. Warehouse & Freight Terminals	1.0	2 employees
34. Wholesale Sales	30.0	1,000 sq. ft. Customer Service
35. Other retail or service uses not specified	5.0	1,000 sq. ft. of gross floor area

Footnote: 26* (Any pump service area that accommodates a 22 foot in length parking stall will count toward the required parking spaces – however, a minimum of one striped handicap parking space meeting ADA requirements shall be provided on site.)

12.03 General Regulations.

12.031 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

12.032 Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

12.033 Every company car, truck, tractor, and trailer normally stored at a business site shall be provided with off-street parking space in an reserved area reserved for the use as determined by the Planning Commission. Such space shall not be counted as meeting parking requirements.

12.034 In cases of dual functioning off-street parking, where operating hours do not overlap, the Board of Adjustments may waive the total parking required provided said parking is sufficient to meet the requirements of the greatest demand or largest combined demands.

12.035 Such parking spaces as required in Article 12 shall not be counted as meeting off-street loading requirements of this Article.

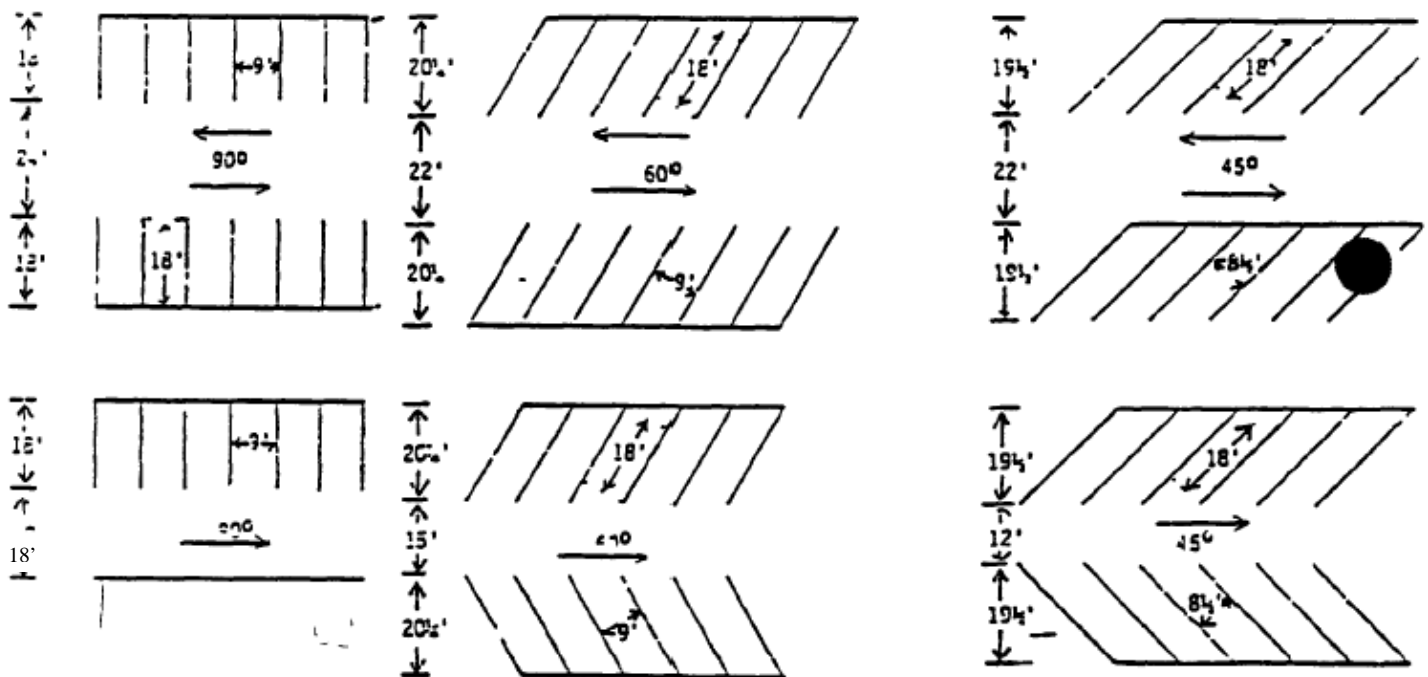
12.04 Off-Street Parking, Lot Layout, Construction and Maintenance. Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance with the following regulations.

12.041 Back-Out Parking Prohibited. Except for parcels of land devoted to one (1) and two (2) dwelling uses, all areas devoted to off-street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress.

12.042 Parking Stalls and Drive Widths. Each parking area shall provide painted parking stalls of minimum width and length and drive area of minimum width as indicated on the following table.

TABLE OF PARKING STANDARDS

ANGLE OF PARKING	STALL WIDTH	LENGTH	DRIVE TWO WAY	DRIVE ONE WAY
61° - 90°	9'	18'	24'	18'
46° - 60 °	9'	18'	22'	15'
0°- 45°	8 ½'	18'	22'	12'
Parallel	8'	22'	22'	12'



For purposes of measurement, drives with parking on one side only shall be considered one-way drives.

12.43 Parking Stalls for Small Cars. Where parking can be restricted to compact, sub-compact or mini-compact vehicles, stall depth may be reduced to 15' and width to 8' provided all stalls shall be designated for small cars with signs and surface markings. No more than 25% of all required spaces may be designated as compact spaces.

12.044 Parking Surface. All parking surfaces shall be so constructed to meeting the following standards.

- A. All areas devoted to off-street parking as required under this article shall be of a paved surface construction such as plant mix asphalt, penetrating asphalt, concrete, brick, or semi-impervious pavers.
- B. The parking lot shall be drained to eliminate surface water.
- C. Where practical, wheel stops shall be provided for all parking stalls. If wheel stops are provided with no raised curb, then the pavement requirement of the parking space may be reduced from 18' to 16', allowing a 2' overhang.

12.045 Pedestrian Safety. In any parking lot where more than one aisle of parking stalls is to be provided a pedestrian system should be provided which separates pedestrian movement from vehicular circulation.

12.046 Landscaping. Landscaping in parking lots shall be provided in accordance with Article 7, Landscape Regulations. See also Article 11, Section 11.04.1.B.

12.05 Setback Requirement.

12.051 Setback. All parking facilities except for single dwelling residences shall set back from all public rights-of-way lines at least ½ of the setback requirements of the applicable zone. Parking provided to the side or rear of a structure shall set back from all lot lines a distance at least one-half of the side or rear yard setback.

12.052 Wheelstop. All setback areas shall be landscaped and wheel stops or raised curb shall be provided to prohibit the encroachment of vehicles into the setback area. Vehicles shall not overhang by more than 2' into any landscaped area. Setback areas separating parking areas from more restrictive zones shall be planted with trees or shrubs of sufficient height to provide a visual screen of the parking area.

12.06 Ingress and Egress.

12.061 Clearly defined driveways shall be provided for ingress and egress. Driveways shall be located and constructed subject to the following criteria or such standards as established by the City Engineer.

DRIVEWAY STANDARD	SINGLE & DUPLEX RESIDENTIAL	OTHER RESIDENTIAL	NON- RESIDENTIAL
Max. width at street row	24'	25'	40'
Min. width per drive lane	10'	10'	12'
Min. distance from interior lot line	2' *	2' *	**
Min. distance from street intersection	30'	30'	30'
Min. space between two drives/same property	25'	25'	25'
Radius of curb return Minimum Maximum	5' 15'	5' 20'	5' 20'

* A common drive between two lots may be permitted, but 4 feet space required between any two drives on separate properties.

** ½ the required setback for applicable zone.

12.062 Where parking areas have more than two (2) parking bays, drives contiguous to the front of commercial structures shall provide an eight (8) ft. painted fire lane, two (2) – twelve (12) foot traffic lanes and be separated from parking areas by an aisle, island or identifiable marking at least three (3) feet in width.

12.07 Off-Street Loading.

12.071 In all zoning districts, except residential districts, one (1) off-street parking loading area for standing, loading and unloading shall be provided for each building or for each 25,000 square feet of usable floor area of grouped contiguous buildings.

12.072 When trailer trucks are required for such loading and unloading the space provided shall be 60 feet (depth) by 14 feet (width) by 14 feet (height).

12.073 No such loading space required in this section shall be provided in the front yard of any building or contiguous group of buildings.

12.08 Parking or Loading Spaces Established Prior to Adoption or Amendment of This Zoning Regulation.

12.081 Existing Parking to Remain. Any parking or loading spaces established prior to the adoption or amendment of this Zoning Regulation and which are used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this Zoning Regulation for any such main building or structure erected after such adoption or amendment date shall hereafter be maintained so long as said building, structure or use remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this Zoning Regulation.

12.082 Change of Use. Where the principal use is changed and five or more additional parking spaces are required under the terms of this Zoning Regulation as a result of such change, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is provided.

12.09 Parking of Special Vehicles in Residential Districts.

12.091 Parking, Storage or Use of Major Recreation Equipment and trailers. For purpose of these regulations, major recreational equipment is defined as including boats or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment or trailer of any kind shall be parked or stored on the grass of any property used for residential purposes. Such items may be located on a paved surface or in an enclosed building. However, the following limited exemptions apply: (1) such equipment or trailers may be parked anywhere on residential premises for a time not to exceed twenty-four (24) hours; and (2) they may be parked on the grass for no more than 30 days within a 12 month period, if such vehicle, trailer or equipment is posted for sale by owner.

12.092 Living in Vehicles. No such equipment or trailers or vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

12.094 Trucks. No vehicle requiring a commercial drivers license or is classified as over one (1) ton shall be parked or stored, unless within an enclosed building, in any residential (R) or Special Capital (SC) zoning district.

ARTICLE 13 SIGN REGULATIONS

(amended 11-24-08 Ord # 26, 2008)

13.01 Purpose.

Signs use private land and the sight lines created by the public right-of-way to inform and persuade the general public by publishing a message. The purpose of these sign regulations is to provide the minimum control of signs to ensure the health, safety, and welfare of the general public. This is done by:

- (a) promoting the safety of persons and property by providing signs that do not create a hazard due to collapse, fire, collision, decay or abandonment; do not obstruct fire fighting or police surveillance; and do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs;
- (b) promoting the efficient transfer of information in sign messages by providing signs which provide messages and information most needed and sought by the public are given priorities; businesses and services may identify themselves; customers and other persons may locate a business or service; no person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and
- (c) protecting the public welfare and to enhance the appearance and economic value by providing that signs do not interfere with scenic views; do not create a nuisance to persons using the public rights-of-way; do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; are not detrimental to land or property values; and contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient himself/herself within it.

13.02 Definitions.

For the purposes of this Article, the following terms, words, phrases, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common or ordinary meaning.

Administrator: The officer or other designated authority, or their duly authorized representative charged with the administration and enforcement of these regulations.

Billboard sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located or which contains personal messages unrelated to the premises.

Character: Any letter of the alphabet, any numeral or Greek letter.

City: The City of Frankfort, Kentucky

Commercially developed parcel: A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential purposes.

Copy. The linguistic or graphic content of a sign.

Election Campaign Sign: A temporary sign directly associated with local, state, or national elections.

Facade: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building, which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five degrees of one another, they are to be considered as part of a single facade.

Frontage. The length of any property line or of any one parcel along a street on which it borders.

Height: As applied to a sign, shall be measured as the vertical distance between the lowest part of the sign, including its supporting structure at the average grade of the ground where the sign is located to the highest part of the sign or its supporting structure, whichever is higher.

Intersection: The junction of the centerlines of any two public rights-of-ways or the point at which any expressway interchange ramp intersects the expressway travel pavement.

Major thoroughfare: Any public right-of-way designated by the Comprehensive Plan of the City as an arterial.

Mansard-style roof: A decorative structure that is attached to the fascia of a building, but is not structurally integral to the building. Often creates a false front or parapet on a flat-roofed building.

Occupancy: The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Premise: Any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.

Sign: Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location, by any means, including words, letters, figures, designs, symbols, fixtures, or images, but excluding striping not integral to the sign.

Sign, air activated: A sign, all or part of which is designed to be moved by action of the air for the purpose of attracting attention, including signs with spangles or moveable colored disks but excluding flags, banner signs and festoons.

Sign area: The total area of the sign face, which is used to display a message, not including its supporting poles or structures. Measurement of sign area is addressed in Section 13.20.

Sign, awning: A sign painted on or attached directly to any part of an awning.

Sign, banner: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

Sign, canopy: A sign, other than an under canopy sign, attached to or constructed in or on a canopy.

Sign, changeable copy: A sign designed for frequent changes of message copy, including bulletin boards and kiosks; outdoor advertising signs; changing signs; other signs with electronically-displayed messages, removable letters, or poster panels.

Sign clearance: The vertical distance to grade from the lowest edge of a sign excluding any pole or support structure attached to the ground.

Sign, construction: A non-illuminated sign displayed prior to or during construction and removed thereafter that identifies a building for which a building permit has been issued and which is under construction together with such information as the owner, manager, contractor and subcontractors, architect and engineer, source of financing, projected date of completion, major tenants and related information.

Sign, directional: A nonpremise sign that serves solely to direct pedestrian or vehicular traffic or parking within a premises or to provide related instructions or facility information but that contains no advertising other than the name and logo of the business on the premises

Sign, facing: The surface of a sign upon, against or through which the message is displayed or illustrated.

Signs, Fascia: Any sign attached to, applied on, or supported by, any part of a building façade, such as a wall, window, canopy, awning, or marquee which encloses or covers usable space. No fascia sign shall be allowed to project further than 12" from the face of the building to which it is attached.

Sign, freestanding: A sign that is supported by one or more poles, uprights, pylons, braces or other support(s) on the ground and not attached to a building.

Sign, government-mandated: Any sign or exterior display required to be displayed by government order or regulation including construction signs for government assisted projects.

Sign, government or utility: An informational sign or display maintained by a government body or public utility, including traffic or parking regulating devices, legal notices, warning of hazards and similar displays.

Sign, height: The vertical distance measured from the curb level of the closest public street from which the sign is intended to be viewed to the highest point of the sign.

Sign, illegal: A sign which was not in compliance with this or other applicable ordinance when it was erected, installed, altered, or displayed.

Sign, illuminated: A sign illuminated by a source of artificial light having the principle purpose of furnishing illumination for the sign whether or not such source is part of the structure of the sign.

Sign, incidental: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "No Parking," "Entrance," "Loading Only," "Telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. Incidental signs do not require a permit.

Sign, message board: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign and that is attached to either a wall, monument or freestanding sign for the purpose of displaying advertising or other notices.

Sign, menu board: A sign used to display a selection of goods or services offered at a business establishment for the convenience of drive-up or walk-up customers, such as at a drive-in restaurant.

Sign, monument: Any permanent sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Sign, name-plate: A non-illuminated sign that states only the names, addresses and professions of the businesses or occupants of the lot where the sign is placed.

Sign, on-premise: A sign directing attention to a business, profession, commodity, service, entertainment, person, cause, event or organization conducted, sold, offered, operation or having premises upon the same lot.

Sign, nonconforming: A sign that was erected, installed or displayed in compliance with previous sign regulations, but which is not in compliance with this ordinance, and which has not been reconstructed, altered or otherwise modified since the adoption of this ordinance, except to bring the sign into compliance with the provisions of this ordinance.

Sign, nonpremise: Any sign which is not a premise sign.

Sign, outdoor advertisement (Billboard): A sign that directs attention to a business, profession, commodity, service, entertainment, person, cause, event or organization conducted, sold, offered, operation or having premises elsewhere than on the lot on which the sign is located, and only incidentally, if at all, on such lot.

Sign, Political: Any type of nonpremise sign which refers only to the issues or candidates involved in a political election.

Sign, portable: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, reader boards, signs designed to be transported by means of wheels, signs converted to “A” or “T” frames; or balloons used as signs. These are addressed as “Special Purpose Signs” in these regulations.

Sign, Premise: Any sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, acclamations, services or activities of or on those premises, or the sale, lease or construction of those premises.

Sign, real estate: A non-illuminated sign used to offer for sale, lease or rent the property upon which or within which the sign is placed or to announce an open house or that the property has been sold.

Sign, roof: A sign erected and constructed either wholly, or in part, upon, against, or above the roof of a building. For purposes of this ordinance, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

Sign, setback: See Section 13.23.

Sign, Special Purpose: A sign temporarily supplementing the permanent signs on the premises. Included in this classification are banners, streamers, flags, inflatable figures, pennants, temporary retail promotional posters, and reader boards, etc. that are portable and not considered monument or pole signs. The total square footage of these signs shall be counted in the maximum square footage allowed in Table 13.3.

Sign, Support: Any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that such fixture or framework is not imprinted with any picture, symbol or work using characters in excess of one inch in height, or is internally or decoratively illuminated.

Signs, temporary: A sign, including paper, cardboard and fabric signs, which is used for a limited period of time and is not permanently mounted. These signs may include but are not limited to election signs, and are addressed as “Special Purpose and Temporary Signs” in this ordinance.

Sign, trailer: A portable sign mounted on a trailer designed for support and movement of the sign.

Sign, vehicle: A sign on or within a parked motor vehicle, boat, recreational vehicle, manufactured home or similar vehicle designed to be conspicuously visible for advertising or information purposes from outside the vehicle, other than trailer signs as defined herein; informational, identification or advertising lettering permanently painted on or attached to trucks or other commercial vehicles; transit advertising on buses or taxi cabs; election campaign signs; signs identifying trailer housed offices or displays on construction sites; and bumper stickers.

Sign, wall: A sign erected upon or parallel to an outside building wall which does not exceed more than twelve (12) inches from the face of the wall or higher than the highest point of the roof.

Sign, window: A sign that is placed inside a window, or applied or attached to window panes or glass, and which is visible from the exterior of the window and may or may not be permanently painted or otherwise permanently affixed to the window.

Storefront, primary: An entrance to a building designed and intended for use by the public as the principle means of ingress and egress as determined by the Director of Planning and Building Codes. A solid wall (brick, concrete, etc.) without windows and/or public entrances shall not be considered a storefront.

Storefront, secondary: An entrance to a building providing additional ingress and egress to the general public not constituting a primary storefront and not located on the same building elevation as the primary storefront.

Street frontage: The distance along which a lot line adjoins a public street right-of way from one lot line intersecting the street to the furthest distant lot line intersecting the same street.

Tenant: Anyone who has the occupation or temporary possession of lands or tenements of another.

13.03 Imitation of Traffic and Emergency Sign Prohibited. No person shall cause to be erected or maintained any sign using any combination of forms, words, colors or lights, which imitates standard public traffic regulatory, emergency signs or signals.

13.04 Sign Supports within Right-of-Way Prohibited. No sign support shall be located within the public right-of-way and no sign shall project over any public right-of-way or across the public right-of-way line unless otherwise specified herein.

13.05 Relationship to building and electrical codes. These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the city. Wherever there is inconsistency between these regulations and the building code or electrical code adopted by the city, the more stringent requirement shall apply.

13.06 Sign Maintenance. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with this code and the building and electrical codes adopted by the city, and shall present a neat and clean appearance. The vegetation around, in front of, behind and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

13.07 Other Codes Not in Conflict Applicable. All signs erected or maintained pursuant to the provisions of this article shall do so in compliance with all applicable State laws, with the Kentucky Building Code and the National Electric Code, and other applicable Municipal Codes not in conflict with the provisions of this article.

13.08 Government Signs. Nothing in this chapter shall be construed to prevent the display of a national or state flag or to limit government flags, government insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.

13.09 Variances and Appeals Except for signs proposed within a Planned Unit Development, variances and appeals to these sign regulations shall be as provided in Articles 17 and 18 of the zoning ordinance. The Board of Zoning Adjustments shall have the power to grant variances from the height, area or setback provisions of this article, in accordance with the variance provisions outlined in K.R.S. 100.243, Findings Necessary for Granting a Variance. However, the Board of Zoning Adjustments shall not grant a sign variance that permits the continuance of any nonconformity.

13.10 Violation, Penalty, and Enforcement. If upon inspection the Planning Director or Building Inspector, or designee finds that any sign is abandoned, unsafe or in any way not in compliance with City ordinances, he or she shall issue a written order to the property owner stating the nature of the violation and requiring the repair, replacement or removal of the sign within thirty (30) days of the date of the order. A violation of the provisions of this article shall be penalized in accordance with Section 21.09 of the Zoning Regulations.

13.11 Permits. A permit, issued by the Department of Planning and Building Codes, is required to erect all signs not explicitly exempted by the provisions of this article. Any sign for which a permit is issued shall have a footer inspection, if applicable, and final inspection prior to issuance of a certificate of completion. . If the on-site construction and/or installation of the sign has not commenced with six-months after issuance of the sign permit, the permit shall become null and void. *(Amended 2007)*

13.12 Permit Applications. All applications for permits shall include a statement indicating the purpose of the sign (which may include but are not limited to such purposes as retail sales, election, changes of address, or relocation), a drawing indicating the dimensions of the sign, and all existing signs maintained on the premises, a drawing of the lot or building façade indicating the proposed location of the sign, and specifications for its construction, lighting, motion and wiring, if any.

13.13 Location and Placement. In addition to other requirements contained herein regarding the location and placement of signs and graphic displays, the Public Works Department and Planning and Building Codes Department shall have the authority to modify these provisions to ensure that the public health, safety and welfare are preserved.

13.14 In Special districts. All nonexempt signs proposed within the Special Capitol and Special Historic districts shall require review and approval by the Architectural Review Board and the issuance of a Certificate of Appropriateness prior to the issuance of a sign permit.

Table 13.1: REGULATORY STATUS OF SIGN TYPES

	EXEMPT	PERMITTED	PROHIBITED
Awning signs		X	
Apartment building Identification signs		X	
Balloons and air-activated signs:			
Temporary		X	
Permanent			X
Banner signs:			
Temporary		X	
Permanent			X
Billboard			X
Canopy signs		X	
Changing signs		X	
Construction signs		X	
Copy change on sign		X	
Directional signs:			
Non-illuminated	X		
Illuminated	X		
Election campaign signs	X		
Flags & institutional insignias	X		
Flashing signs			X
Free-standing signs		X	
Government or utility signs	X		
Government mandated signs	X		
Help wanted signs	X		
Home occupation signs		X	
Industrial park entrance signs		X	
Institutional/government announcement board	X		
Institutional use signs			
Temporary	X		
Permanent		X	

Maintenance, cleaning, repair or painting of sign:			
On-site (b)	X		
Off-site		X	
	EXEMPT	PERMITTED	PROHIBITED
Moving signs, Rotating			X
Mural signs:			
On walls		X	
Elsewhere			X
No trespassing signs	X		
Portable signs		X	
Projecting signs			
In CB or SH districts		X	
Elsewhere			X
Real estate signs			
8 sq. ft. or less	X		
Over 8 sq. ft.		X	
Residential development entrance signs		X	
Roof signs			X
Sandwich type signs, permanent			X
Scoreboards, athletic	X		
Search and beacon lights, temporary		X	
Seasonal displays	X		
Service station signs		X	
Shopping center signs		X	
Sidewalk or curb signs			X
Signs in SC, SH & CB districts		X	
Streamers, festoons, pennants, permanent			X
Street clocks		X	
Street numbers	X		
Strings of lights, permanent			X
Temporary signs, all other		X	
Under canopy signs		X	
Vehicle signs			X
Vending machine signs	X		
Window signs:			
Temporary	X		
Permanent	X		
Yard sale signs	X		

(see notes for table on next page)

Notes for Table 13.1

Table 13.1 is for general reference purposes only and is not intended to be all inclusive.

- (a) Change in copy of a changeable copy sign or face replacement on a sign not involving structural change, a change in any dimension thereof, removal of all or any part of the sign support structure, or any change of use.
- (b) No sign permit shall be required for maintenance operations, such as removal and reinstallation of sign faces, that do not involve removal of all or any part of the sign support structure
- (c) A sign permit shall be required for:
 - 1. Any maintenance or repair involving removal and reinstallation of all or any part of the sign support structure; or
 - 2. Any structural repair or alteration to the support structure.

13.15. Prohibited signs.

Generally. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this code.

Specifically. The following signs are expressly prohibited unless exempted by section 13.16, or expressly authorized elsewhere in this Article. Requests of waivers shall not be allowed for any prohibited sign.

- A. Signs that are in violation of the building code or electrical code adopted by the city.
- B. Any sign in the professional opinion of the building inspector that is declared to be physically unsafe or unlawful by reason of physical condition and constitutes a safety hazard.
- C. Signs that obstruct the vision of pedestrians, cyclists or motorists traveling on or entering public streets.
- D. Signs tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles or fences.
- E. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- F. Signs with lights or illumination that flash, move, rotate, blink, flicker, or vary in intensity or color except for time-temperature-date signs and electronically controlled message centers.
- G. Strings of lightbulbs not mounted to a rigid background used on commercially developed parcels for commercial purposes, other than traditional holiday decorations and strings of lights used to enhance landscaping.

- H. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electronic or mechanical means, except for traditional “barber poles” and “Trivision” permanent outdoor advertising signs.
- I. Advertising content of abandoned signs.
- J. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or that obstruct any window to such an extent that the light or ventilation is reduced to a point below that required by any provision of this code or other ordinances of the city.
- K. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.
- L. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- M. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, retaining wall, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- N. Signs placed upon benches, bus shelters or public waste receptacles, unless written authorization is granted by the City Manager, for a prescribed period of time.
- O. Signs erected on public property, including within the City, County, or State right-of-way within the City of Frankfort, unless written authorization is granted by the City Manager, for a prescribed period of time.
- P. Signs erected over or across any public street, except governmental signs erected by or on the order of a public officer.
- Q. Sign(s) determined as off-site advertising signs or billboards. No person shall construct or erect an off-site sign, billboard or permanent outdoor advertising sign within the City of Frankfort.

13.16. Exempt signs. In addition to the signs listed specifically in Table 13.1, the following signs are exempt from the requirements in this code, except for maintenance and relationship to building and electrical codes; and no permit shall be required to be obtained for the erection of such exempted signs, provided they are not placed or constructed so as to create a hazard of any kind, nor located within any right-of-way, unless expressly allowed, and provided that they satisfy the restrictions imposed by this section and other relevant parts of this code. Note: Any exempt sign not complying with the requirements of this section is illegal and subject to immediate removal.

- A. Signs necessary to promote health, safety and welfare and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State or Local Government.

- B. Legal notices and official instruments.
- C. Decorative flags, banners, or other type of signs for a celebration, convention or commemoration of significance to the entire community when authorized by the city manager or his designee for a prescribed period of time
- D. Holiday lights and decorations, provided it does not constitute a sign prohibited by section 13.15 of this code.
- E. Merchandise displays behind storefront windows so long as no part of the display contains flashing lights.
- F. Religious displays.
- G. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building. Additional standards apply in the Special Capitol and Special Historic Districts.
- H. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- I. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards.
- J. Works of art that do not constitute advertising.
- K. Signs carried by a person.
- L. Signs, including banners, to announce or advertise such temporary events as fairs, carnivals, circuses, revivals, sporting events, farmer markets, a campaign event, or any public, charitable, educational or religious event or function. Such sign shall be removed within five (5) days after the special campaign, drive or event.
- M. Flags of the United States, State of Kentucky or other governmental flags shall not be considered a sign nor require a permit, unless such flag is installed with a pole over 35-feet tall. Flags of a business or institution emblems or insignias must obtain a sign permit with review and approval by the Planning Commission Chairperson, who shall have the right to independently approve or require a vote of the majority of the Planning Commission. Poles over 35' tall shall obtain a building permit.

Table 13.2: STANDARDS FOR EXEMPT SIGNS

	Number Permitted per Lot	Maximum Area (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)	Other Requirements
Permanent Signs					
Directional signs	--	4	3	--	(a), (b)
Flags and Institutional insignias	--	--	--	--	(c)
Institutional/Government announcement boards	1	16	--	--	--
No Trespassing signs	2	2	--	--	(e)
Flags, business or institutional	1	32	35	10	--
Temporary Signs					
Construction signs	1	32	8	5	(l)
Election Campaign signs	--	32	6	--	(f)
Institutional sign, temporary	--	--	--	--	(i)(j)
Help Wanted signs	1	8	--	--	--
Real Estate signs	--	8	--	5	--
Window signs	--	50%	--	--	(k)
Yard Sale signs	--	4	--	--	(g)
Banner signs	-1	32	--	5	(h) (i)

Notes for Table 13.2

- No restriction except as specified in definitions, footnotes or elsewhere in this zoning ordinance.
- (a) Information on location of entrances and exits, parking, traffic movement and the like. No advertising content other than name and logo of establishment. Shall not be counted as part of allowable sign area.
 - (b) Commercial, office and industrial use only.
 - (c) The flag, pennant or insignia of any governmental or educational institution.
 - (d) Per home occupation or business establishment.
 - (e) Includes no hunting, dumping or similar uses.
 - (f) Must be removed within five (5) days after date of election.
 - (g) Displayed on the premises of the yard sale. Shall not be displayed more than two (2) days prior to the event and shall be removed no later than two days after the event.
 - (h) Temporary banners or other temporary signs are permitted only for commercial, office and industrial uses and shall have only one temporary sign on the same property. No temporary sign shall be erected on a premises for a cumulative total of more than sixty (60) days per calendar year. Any applicant that proposes to maintain the same banner sign for a period greater than sixty (60) days per calendar year shall obtain approval from the Planning Commission.
 - (i) Not permitted for residential uses.

- (j) Announcing a special event of a religious, educational or philanthropic institution and displayed only on property controlled by the institution and for a maximum of fifteen days before the event.
- (k) Percentage of signage allowed is based on each window area containing signage.
- (l) Per street frontage.

13.17 Permitted permanent accessory signs.

13.17.1 Sign types allowed. The following types of permanent accessory signs are allowed, provided that they meet all of the requirements of this code

- A. Historic Zoned property: Any ground sign in the Special Historic and Special Capitol zoning districts shall be reviewed and approved by the Architectural Review Board. All ground signs in these districts shall be monument, constructed with brick or decorative stone, not exceed 6' in height, compatible and consistent with other ground signs in the district, and if lighting is provided, shall be external. See specific guidelines within each zoning district category in Articles 4 & 17.
- B. Ground/fascia signs: Ground and fascia signs are permitted permanent accessory signs provided they comply with the requirements contained herein. Applications for signs that satisfy these guidelines shall be administrative approved through issuance of a sign permit. Applications for signs that deviate from the requirements contained herein, not located within a Planned Unit Development, shall require the review and approval by the Frankfort/Franklin County Board of Zoning Adjustments.
- C. Signs in Planned Unit Developments (PUD): Signs proposed or changes to existing signs shall follow the requirements contained in Article 13.21 contained herein.

Table 13.3: STANDARDS FOR PERMITTED PERMANENT SIGNS

	Number Permitted per lot	Maximum Area (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)	Other Requirements
General					
Construction signs	1(7)	32			
Interstate business signs	1	150	55	☆	(5)
Home occupation signs	1	2			(16)
Real Estate signs	1	32	12	5	(4)
Signs in CB district	--	--	--	--	(15)
Signs in SC & SH districts	--	--	6	--	(14)
<i>(amended 7-24-06 Ord # 16, 2006)</i>					
Residential Uses					
Apartment building ID sign	(13)	8	--	--	--
Development entrance sign	1(19)	32	6	10	(12)
Institutional Uses	1	32	6	5	(7)
Commercial, Office & Industrial Uses: ◆					
Fascia and awning signs (2)					
Single occupant building: (22)					
A primary storefront	3	200 (20) (3)	25	--	(6)(11)
A secondary storefront	3	-- (3)	12	--	(6)(11)
Multiple occupant building: (22)					
Building Identification sign – Storefront	1	10% of façade area or 200	25	--	(6)
Individual tenant sign, storefront	3	200 (20) (3)	25	--	(6)(11)
Commercial, Office & Industrial Uses: ◆					
<i>Freestanding signs</i>					(17)
Message Board	1(8)	(8)	--	--	--
Service Station rate sign	1	20	25	(1)	(9)
All other signs	1	100	25	(1)	(7) *
Shopping Center sign	1	150	25	(1)	(7)(10)(21)
Monument signs	1	40	9	(1)	(7)(18)*

(see notes for table on next page)

Notes for Table 13.3

- No restriction except as specified in definitions, footnotes or elsewhere in this zoning ordinance.
 - * Individual lots shall not contain both a freestanding sign and monument sign.
 - ☆ As required in Article 13.28 contained herein.
 - ◆ See 13.21 for site affected.
- (1) ½ distance of required building setback of zoning district. Shall not be less than five feet in any district. Monument signs shall have a minimum setback of 5' from property lines.
 - (2) Canopy signage is deducted from the total area of fascia signage for the property. There is no maximum number of canopy signs for the property.
 - (3) The fascia sign area is calculated using the linear distance of the primary storefront at a 1:1 ratio up to a maximum of 200 square feet of signage per building, or in the case of a multiple occupant building, the fascia sign area is calculated using the linear distance of the primary storefront at a 1:1 ratio up to a maximum of 200 square feet of signage per tenant. The calculated fascia sign area may be applied upon the primary storefront, secondary storefront and one elevation containing the exact style, finish, material type and design as the primary storefront.
 - (4) Shall not be illuminated.
 - (5) Allowed only in areas designated in map 13-1. Shall have a minimum spacing of one hundred (100) feet from any residential zoning boundary and a spacing of six hundred (600) feet from any other outdoor advertising sign. No internal illumination permitted. The property owner may waive the right to install an interstate business sign and apply the square footage to any other permitted sign on the property.
 - (6) Shall not extend beyond the perimeter of wall, fascia or face of canopy or awning to which sign is attached. Shall not project above roofline, parapet, top or side of canopy or awning. Height may be increased if the building is more than two (2) stories above grade or more than three hundred (300) feet from a public right-of-way.
 - (7) Per street frontage per lot.
 - (8) Shall be permitted only as part of a freestanding or wall sign and subject to the height and area requirements contained herein.
 - (9) Permitted at automobile service stations in addition to other signs permitted herein.
 - (10) Shall be the only freestanding sign in the shopping center and may include a message board or directory sign.
 - (11) Up to three (3) additional fascia sign(s) may be located upon one separate building elevation containing the exact style, finish, material type and design as the primary storefront. The square footage of such signs shall not exceed that allotted to the primary storefront
 - (12) Per entrance or exit to or from street, alley or parking area. Sign shall have a minimum clearance of one (1) foot from bottom of sign to grade. Minimum rear setback of fifty-feet required.
 - (13) 1 per building within complex.
 - (14) Permitted only after review and approval by the Architectural Review Board and issuance of a Certificate of Appropriateness. Shall be constructed with materials compatible with the overall character of the district. Any illumination shall be external. Setback shall be determined by the Architectural Review Board. See additional design requirements in Article 4 of this zoning ordinance.
 - (15) Subject to requirements established in Article 4.248
 - (16) Per Home Occupation or business establishment.

- (17) Shall have a minimum clearance of nine (9) feet. Multiple occupant signs may include, but are not required to include, the development name of the project. The use of a development name as part of the signage shall count as part of the allowed sign area.
- (18) Shall have a maximum clearance of one (1) foot.
- (19) One sign is allowed per property unless the sign is less than 8 square feet, then two signs of 8 square feet or less may be allowed.
- (20) No occupant shall be deprived of less than twenty-five (25) square feet of wall signage.
- (21) May contain individual tenant panels identifying businesses within the shopping center.
- (22) Any business requesting more than three signs per storefront shall be required to submit a Sign Package application to the Planning Commission for consideration.

13.18 Additional Provisions

- 13.18.1 Each frontage of a development site may have one ground sign or may combine the allowed signage to increase the overall height and/or width up to 150% of the allowed size requirement for one ground sign only.
- 13.18.2 Each parcel of land may have two ground signs when the parcel of land has more than 250 lineal feet of public road frontage, provided each sign is a minimum of 100' apart from any sign on the same or adjacent parcel. The owner of such parcel may combine the allowed signage to increase the allowed height or width up to 150% of the allowed size requirement, provided only one ground sign is provided for the site.
- 13.18.3 When a final development plan is approved for more than one parcel or tract of land and the owners of each parcel or tract agrees in writing, then the allowed ground signage may be shared by the parcels; provided that for each shared ground sign, the size does not exceed 150% of the allowed size requirement and that there is a reduction of at least one ground sign for each shared sign. (Example (1) if 4 parcels of a final development plan each having one frontage of less than 200' desire to combine their signage, then one ground sign of 150% of the allowed size would be authorized for the site and no other ground signs. Example (2) if 2 of the same 4 parcels desire to share a sign, then the overall development would be allowed three ground signs rather than 4 separate signs.) When parcels of a common final development plan propose to combine signage, such signage shall not be considered as off-site advertising.

13.19 Removal of Non-Conforming Signs.

- A. Any temporary or exempt sign that does not meet the requirements of this ordinance shall be removed by the owner within thirty days of written notification by the City of Frankfort.
- B. Any business which has ceased operation (expiration of business license) for sixty (60) days shall, for the purposes of this article, be determined to be abandoned. All signs associated with such an abandoned business shall be removed by the owner of the property upon which the sign is located within thirty (30) days of written notification by the City of Frankfort.
- C. All other nonconforming signs shall adhere to the provisions of Article 15 contained herein.

13.20 Computations: The following principles shall control the computations of sign area and sign height.

A. Computation of Area of Single-Sided Signs.

The area of a sign face, shall be computed by means of the smallest square, circle, rectangle, triangle or parallelogram that will encompass the extreme limits of the writing, representation, emblem, or other display, but not including any supporting bracing or decorative features not related to the sign. Specifically, the area within a frame holding the sign panel; when channel letters are used, a geometric shape shall encompass all portions of the letters in a single shape consisting of not more than two (2) of the above mentioned shapes. The area of an awning sign, canopy sign or a sign consisting of individual letters or symbols against a wall shall be the sum of the area within a rectangular envelope completely enclosing the attached group.

B. Computation of Area of Multifaced Sign.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of only one of the faces.

C. Computation of Height.

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, the average of the grade at the sign base and the grade 6 feet from the sign, shall be determined as the normal grade.

D. Computation of setback.

The setback shall be determined by measuring the shortest horizontal distance between a lot line and the closest part or projection of the sign and/or support structure.

13.21 Sign Package Plan Required in Planned Unit Development Zone District (PR, PM, PC).

In any newly proposed or existing Planned Unit Development Zone District, a Sign Package Plan shall be prepared by the developer and approved by the Planning Commission at the same time the Final Development Plan is approved. In the event that an existing Planned Unit Development shopping center does not have an approved development plan, a Sign Package Plan only will be required for Planning Commission approval for the entire development, not per individual tenant. The Director of Planning can administratively approve signage when proposal is consistent and compatible with other signage in the overall development

The Sign Package Plan shall establish the maximum size, the prototypical design, and the number of signs that will be allowed within the subject planned development. After the Planning Commission has approved the Sign Package Plan, the Frankfort Planning and Building Codes Department shall be authorized to issue sign permits for businesses when the requested sign is in compliance with the approved Sign Package Plan. No permit for any sign shall be issued unless it is in compliance with the approved Sign Package Plan.

The sign package plan shall include the following information:

- A. Front building elevation(s), indicating lengths of individual storefronts, location(s) of signs, and the maximum sign area for each individual business sign.
- B. Location of development identification sign, if any, indicating the setbacks, and maximum sign area for this sign.
- C. Drawings, to scale, of all signs proposed for the Planned Unit Development, including dimensions (height and width).
- D. Color Schemes and Designs for all Signs
- E. The types of structures that will be used to support each sign.

The Sign Package Plan, once approved, shall become a part of the Final Development Plan. Any change to this portion of the plan shall require that an Amended Final Development Plan be submitted by the Developer/Owner of the Planned Unit Development for approval by the Planning Commission. However, a change to the name or occupant shall not require a submittal of an amended sign package plan, if the replacement sign is in compliance with the original approved plan.

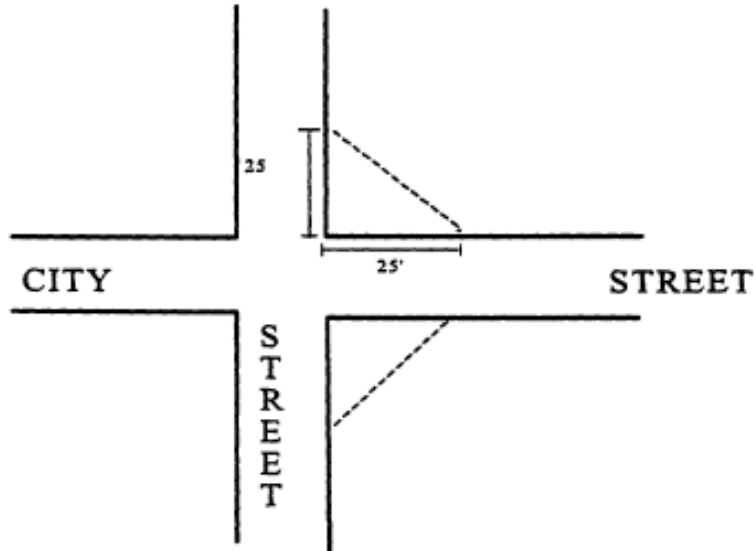
13.22 Special Purpose Signs shall be permitted on a temporary basis only, for no more than ten (10) days at any one time and for no more than six (6) times in any one calendar year (January 1 to December 31). The square footage of these signs shall be included in the calculations determining the maximum limits allowable under Table 13.2.

13.23 Setbacks. Except as otherwise noted herein, the setback for all ground-mounted and pole signs shall be one-half the distance required in the Basic Zone District's Bulk, Density and Height Table. Entrance/Exit signs may be located at the right-of-way, but in no instance shall they project into the right-of-way and shall not be greater than three (3) feet in height.

13.24 Sight Distance Triangle. No ground-mounted business identification sign shall be placed within the sight distance of a street intersection or the intersection of the entrance/exit to a business and the public street. If a pole sign is proposed within this sight triangle, the minimum distance from the ground to the bottom of the sign shall be 15 feet. For the purpose of this section, the following sight distance triangle measurements shall be used:

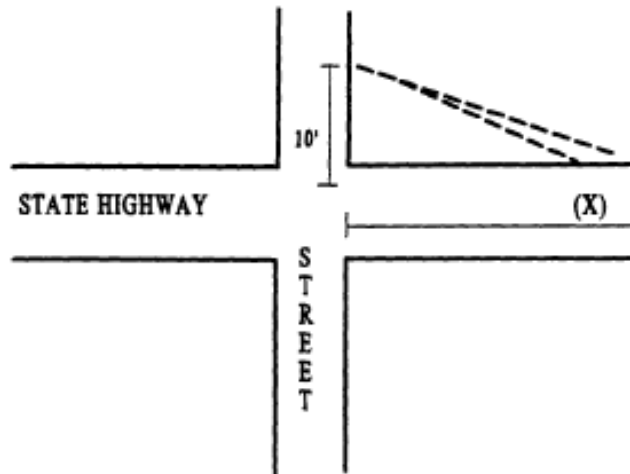
CITY STREETS

When two city streets intersect or a driveway intersects a city street, the sight triangle shall consist of the area between points twenty-five feet (25') along both streets from the intersection of the edges of the pavement



STATE HIGHWAY

Where a city street, driveway or other entrance intersects with a state highway, the sight triangle shall consist of the area between a point ten (10') feet along the street or driveway edge of pavement and a point located along the edge of the state highway pavement, the distance an automobile traveling the speed limit can go in six seconds, as indicated in the table below.



(X) SIGHT DISTANCE

484'
396'
308'
220'
132'

SPEED LIMIT

55 MPH
45 MPH
35 MPH
25 MPH
15 MPH

13.25 Projection. No sign determined to be a fascia sign shall be allowed to project further than twelve inches (12") from the face of the building.

13.26 Non-Premise Advertising Signs

13.261 Non-premise or advertising signs, including billboards and poster boards shall not be permitted, except as provided for in section 13.27.

13.27 Non-Profit, Church, Organizational Signs (in right-of-way or off site) Non-profit enterprise, charitable organizations or church directional signs are permitted, provided they meet the following criteria:

- A. No sign may be greater than six (6) square feet.
- B. Such signs shall only:
 - 1. Identify the church, non-profit enterprise, or charitable organization,
 - 2. Direct the traffic pattern in the direction of its location,
 - 3. Indicate the distance necessary to be traveled to reach the location,
 - 4. Have a minimum spacing of one hundred feet (100') from any other non-profit, charitable organization or church designated directional sign.
- C. No such sign shall be located closer than twenty feet (20') from the roadway and shall have a distance of five feet (5') from the ground to the bottom of the sign.
- D. Written consent of the owner must be submitted to the City of Frankfort's Inspection Office when the proposed sign is to be located on private property. Such sign shall not count in the total sign allocation for that business or property.

13.28 Interstate Business Signs

13.281 Purpose. The purpose of the Interstate Business Sign section is to allow for business establishments offering goods and services in the interest of the traveling public to inform the motorist of the travel related goods and services available along the Interstate. The Interstate Business Sign regulations shall apply only for pole signs on the individual business site. Regulations for fascia signs shall conform to other sections within this ordinance.

13.282 Definition. For the purpose of this section, Interstate shall be defined as a fully controlled access highway, which gives preference to through traffic and has access only at selected public roads and that has no at-highway grade crossings or intersections.

13.283 Sites Affected. Interstate business signs may be located within a 2,500 foot radius of the center point of the intersection of U.S. Highway 127, South and Interstate 64. No interstate signs are permitted or allowed at any other I-64 intersection for properties within the City limits. A map (Map 13-1) is attached to this section to serve as a general reference in determining eligible properties. The property owner may relinquish the right to an Interstate Business Sign and add 150 square feet of sign area to the subject property for any permitted sign(s) on the

property. The Planning Commission shall review the transfer of such square footage and reserves the right to have recorded in the office of the Franklin County Clerk a Certificate of Land Use restriction or other similar documentation evidencing the applicant's relinquishment of an Interstate Business Sign.

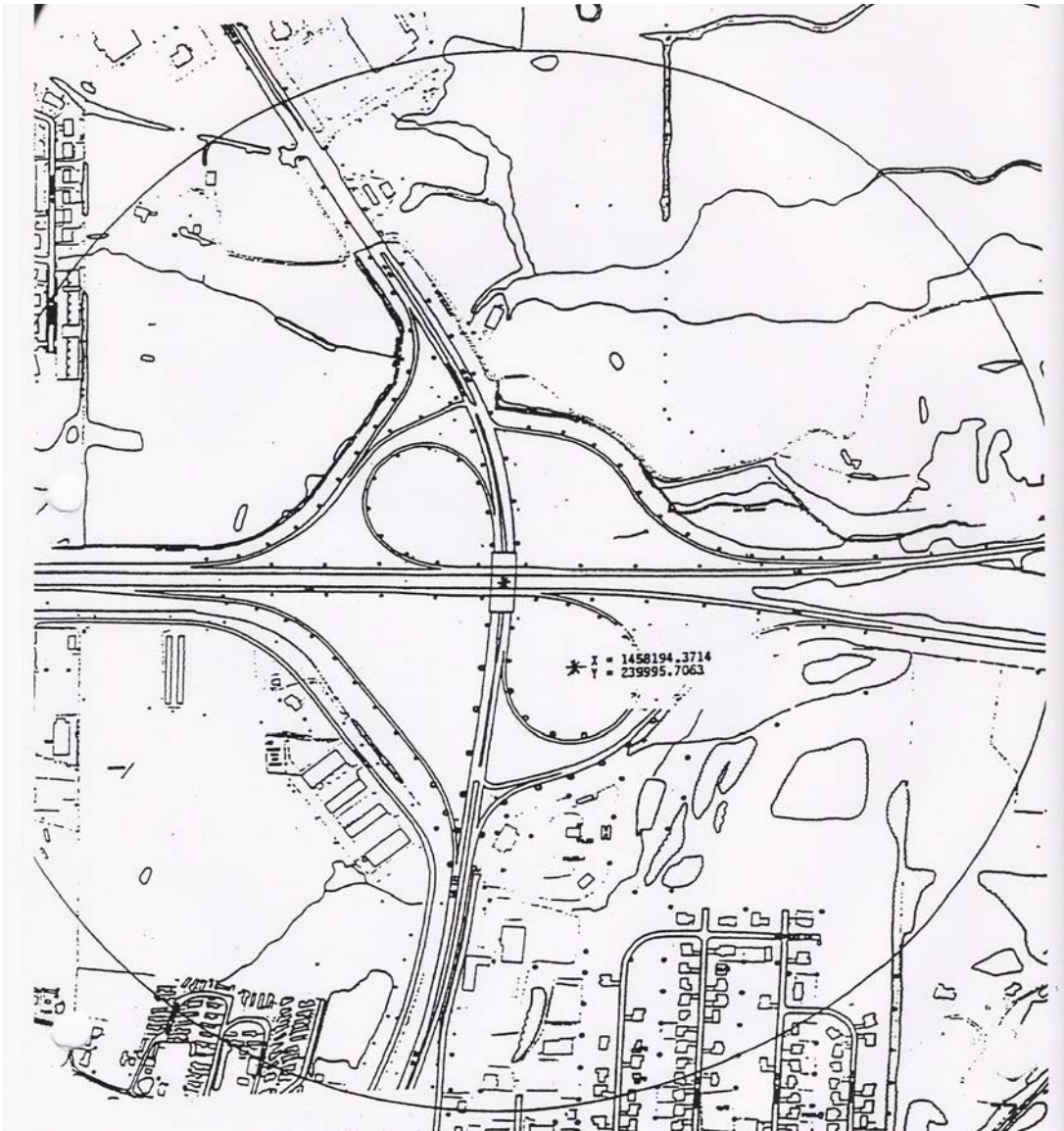
13.284 Permit Procedures. A business located within the area identified in Map 13-1 may apply for a building permit to erect an interstate sign. This sign shall meet the height, size, and location requirements contained elsewhere in this section. No sign shall be erected without first applying for and receiving a permit for the erection of this sign.

13.285 Location.

The interstate business sign shall be located on the same site as the business. These signs must meet the following setbacks, as measured from the property lines:

- 100-feet from any residential use or zone as measured from the property line.
- 25-feet from all property lines

Map 13.1



ARTICLE 14 RESERVED

ARTICLE 15 NON-CONFORMING USE AND NON-COMPLYING STRUCTURE

15.01 Non-Conforming Uses. Are any lawful use, whether of a building, structure or tract of land existing at the time of the enactment of this ordinance which does not conform to one or more of the provisions of this zoning ordinance.

15.02 Continuance of Non-Conforming Uses. A non-conforming use existing lawfully at the time of enactment of this ordinance may be continued except as restricted in this article.

15.021 Repairs, Alterations. Nothing in this ordinance shall be interpreted to prevent normal repair or maintenance of any building occupied by a non-conforming use. Alterations may be made in such a building when necessary in the interest of public health or safety or appearance.

15.022 Extension, Enlargement or Relocation. A non-conforming use shall not be extended, enlarged or placed on a different portion of the lot occupied by such use on date of enactment of the ordinance.

15.03 Changes to Other Uses.

15.031 Change of Conforming Use. A non-conforming use may be changed to any conforming use.

15.032 Change to a Less Non-Conforming Use. A non-conforming use may be changed to another non-conforming use provided the new use is less non-conforming than the original use.

- A. Any change to a less non-conforming use shall be interpreted to be a change to any use which is first listed in the use table at least one column in which the non-conforming use is first listed.
- B. Any change to another, less non-conforming use must be approved by the Board of Adjustments.
- C. In considering changes to lessor non-conforming use the Board shall consider the impact upon the surrounding area, the site design of the proposed use and the rehabilitation of the structure.
- D. Any change shall only be permitted if adequate provisions for required off-street parking are assured.

15.04 Cessation. If, for a continuous period of six months, a non-conforming use has ceased of the furnishings of a non-conforming use are removed and not replaced, the building or land shall thereafter be used only for a conforming use or less non-conforming use as provided in 15.03 unless an extension has been granted by the Board of Adjustments.

- 15.05 District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.
- 15.06 Amortization of Land and Structures. The non-conforming use of land where no building is involved shall be discontinued within five (5) years from the date of adoption of these regulations except where farming is the primary use lawfully existing at the time this article became effective.
- 15.07 Non-Complying Structures. Any structure which does not comply with one or more of the applicable district height, bulk and density regulations or off-street parking requirements either on date of enactment of this ordinance or as a result of any subsequent amendments to this article shall be a non-complying structure.
- 15.071 Continuance of Non-Complying Structures. The use of a non-complying structure may be continued subject to provisions of this article.
- A. Maintenance, Repairs. Nothing in this article shall be interpreted to prevent normal maintenance and repair when necessary in the interest of public health, safety or appearance.
 - B. Enlargement. A non-complying structure shall not be enlarged in any way which would either (a) create a new non-compliance or (b) increase the degree of and off-street parking requirements.
 - C. Ground and pole signs (freestanding signs): Freestanding signs that are non-conforming due to the size, height, or location shall adhere to A. & B. above, with the following exception: the cabinet frame that holds the sign panel is not considered part of the structural integrity of the sign and therefore, may be removed and/or replaced with a new cabinet provided it does not increase the applicable non-conforming element of height, size or location of the sign. These cabinets may be altered to reduce the non-conformity by reducing the size, changing the shape, or may be identical to the previous cabinet.
- 15.072 Replaced Damaged Buildings. Any non-complying building or structure damaged more than sixty percent (60%) of its then fair market value (as determined by an insurance companies appraiser) by fire, collapse, explosion or acts of God shall not be restored or reconstructed in any non-complying form except that such building may be rebuilt but not to exceed its original non-conformity providing that the building and site plan are approved by the Planning Commission. If damage is less than sixty percent (60%), it may be reconstructed as before, provided that a building permit is issued within six (6) months.
- A. Exceptions:
- 1) This section does not apply to the a sign cabinet/frame for freestanding signs, see 15.071.C. above
 - 2) Redevelopment of property that is part of a City's "Home Focus Community Grant" program – these properties shall be allowed to be rebuilt per the same requirements for those damaged by fire, collapse, explosions, or acts of God and administratively approved.

15.08 Non-Conforming Lots of Record.

15.081 Substandard Lots. In any residential zone or district permitted uses may be erected or enlarged on any single lot of record at the date of adoption of these zoning regulations even though such lot fails to meet the requirements for area or frontage or both:

A. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership.

B. Dimensional requirements other than those applying to area or frontage, or both of the lots shall conform to the regulations of the zone or district in which such lot is located

15.082 Combination of Lots. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the date of adoption or amendment of this zoning regulation and do not meet the requirements established for lot width or area, the land involved shall be considered to be an undivided parcel for the purposes of this zoning regulation.

15.083 Subdivision of Lots. Non subdivision of such parcel shall be made which creates a lot with width or area below the requirements stated in this zoning regulation.

15.09 Conditional Uses Not Non-Conforming Uses. Any existing principal permitted use at the date of the adoption or amendment of this zoning regulation which would thereafter require a conditional use permit shall without further action be deemed a conforming use, but any enlargement or replacement of such use in buildings or on land, shall require a conditional use permit as provided.

ANY USE WHICH IS FIRST PERMITTED IN THE DISTRICTS BELOW	AND WHICH EXIST AS NON-CONFORMING USES IN DISTRICTS BELOW	MAY BE CHANGED TO ANY USE PERMITTED IN ZONING DISTRICT
IG or IC	IC,CH or CG	Any conforming use
IG or IC	CL	CH or RH
IG or IC	RH,RL, RD	CL or RH
CH,CG,CL	IC or IG	CH
CH,CG	CL or CB	CG
CH,CG,CL or CB	RH,RL, RD	CL or RH
CH,CG, CL or CB	RE, RA, RB, RC	CL or RL
RH or RL	RG or IC	IC, CH, RH
RH or RL	CH, CG	CG or RH
RH, RL, RD, RC	CL, CB	RH, RL, RD, RC
RH, RL	RE, RA, RB, RC, RD	RL, RD, RC

ARTICLE 16

RESERVED

ARTICLE 17

ARCHITECTURAL REVIEW BOARD

- 17.01 Intent. To establish a board to review development proposals and to provide more design controls in designated older sections of the City of Frankfort. The actions of the board will aid in the prevention of intrusions of undesirable design characteristics, in the protection of desirable and unique physical features in older neighborhoods, in the protection and stabilization of property values and in the prevention of blighting caused by insensitive redevelopment. In addition, this Board is to expand the knowledge of the community on the historic background of Frankfort. This will be accomplished by an ongoing survey and inventory of historic sites within the City of Frankfort. From this information, sites and districts can receive recognition as local landmarks or National Register of Historic Places status. By accomplishing these goals, the City will qualify as a Certified Local Government.
- 17.02 Membership. The Board of Architectural Review shall consist of five (5) citizen members. Four (4) members shall be appointed by the mayor, with the approval of the Board of Commissioners. One (1) member shall be appointed by the Frankfort-Franklin County Planning Commission. The members shall serve with compensation in the same amount as that of the Planning Commission and Board of Zoning Adjustments members.

The Mayor of Frankfort shall appoint and the Architectural Review Board shall consist of:

- a) A member of a recognized Historic Preservation Group
- b) A member of the American Institute of Architects,
- c) A property owner of one of three (Special Capital, Special Historic, or Central Business) zone districts
- d) A member of the construction and/or land development industry or Board of Realtors

The Planning Commission shall appoint one of its members to the Architectural Review Board (ARB). All members of the Frankfort Architectural Review Board shall reside within the corporate limits of the City of Frankfort, Kentucky.

Each member shall be appointed from a list of at least three (3) nominees submitted to the Mayor by the Frankfort chapter or members of the respective organizations. All members should have a known interest in historic preservation. If any organization entitled to make a nomination shall fail to make the same within thirty (30) days after written request by the City Clerk, then the Mayor, with the approval of the Board of Commissioners, shall make the appointment. The term of office of these members shall expire within three (3) years of the date of appointment. These terms are to be staggered. An appointment to fill a vacancy shall be for only the unexpired portion of the term. Such vacancies shall be filled within sixty (60) days.

17.03 General Duties of the Review Board. The Board shall be responsible for accomplishing the following:

- A. Review all applications for new construction, including building additions and demolition in the Central Business, Special Capital and Special Historic zoning districts and advise the zoning administrator regarding the issuance of permits in such districts. The Architectural Review Board shall be guided by the standards and restrictions of the Comprehensive Plan and by the regulations governing the Special Capital, Special Historic and Central Business zoning districts, and by the Design Guidelines contained in Section 17.10.
- B. In accordance with K.R.S. 100.217, the Architectural Review Board shall act as a Board of Zoning Adjustment in hearing and deciding upon requests for Conditional Use Permits, Variances and Appeals for property located within the Special Historic, Special Capital, and Central Business zone districts.
- C. Review all applications for Local Landmark and National Register designation.
- D. Act in an advisory role to officials and departments of local government regarding the protection of local cultural resources.
- E. Act as a liaison between individuals and groups interested in historic preservation and local government agencies.
- F. Attend at least one informational/educational meeting per year, as approved by the Kentucky Heritage Council. The information gathered from such meetings to be used to further educate the general public on preservation issues.

17.04 General Procedures. The Board shall function along the following guidelines:

- 17.041 Bylaws. The Board shall cause a set of bylaws to be adopted. These bylaws shall be kept on file in the offices of the Department of Planning and Building Codes and shall be available to the general public.
- 17.042 Meetings. The Board shall meet on a monthly basis as specified in the bylaws. These meetings shall be held in the Council Chambers of the Frankfort Municipal Building or other public location as required. All meetings shall be open to the general public. The chairman of the Architectural Review Board may call special meetings as necessary to conduct the business of the Architectural Review Board. These meetings will aid in obtaining prompt decisions for the applicant.
- 17.043 Notice of Meeting. All meetings are to be advertised in the local newspaper at least seven (7) days prior to the meeting. This advertisement shall contain the date, time and location of the meeting, as well as the agenda. In addition to the advertisement in the newspaper, all adjoining property owners to a request being considered by the Architectural Review Board shall be given written notice of the request and date, time and location of the meeting which will be held to

consider the request. Records of ownership in the Property Valuation Administrator's office shall be used for determining the names of the adjacent and contiguous property owners.

17.044 Annual Reports. At the end of each calendar year, the Board shall cause an annual report to be prepared. This report will review all requests reviewed by the Board and action taken. The report will be kept on file in the offices of the Department of Planning and Building Codes and shall be available to the general public.

17.05 Review Board Powers: New Construction, Building Additions, exterior renovations, Demolition, and those of the Board of Zoning Adjustment.

17.051 Building Permits. The Board shall not consider any interior alterations or remodeling in their review of permits unless the interior remodeling affects the exterior appearance of the structure. Exterior remodeling as governed by this article shall be deemed to include any change in the design, material or exterior treatment of a structure. The Planning and Building Codes Department shall not issue building permits in the Special Historic District, Special Capital District, and Central Business District for any new construction, building additions or moving of any structure unless and until:

1. The Architectural Review Board shall have reviewed the recommended approval of such plans and specifications of such structures as it deems necessary in the circumstances of the particular case, and
2. The Architectural Review Board shall have issued a Certificate of Appropriateness. The Certificate of Appropriateness shall state the reasons for approval by citing how the work proposed in the application is appropriate in regards to the guidelines for review in Section 17.10 and the intent of the respective zoning district contained within each respective zoning district, or
3. The Department of Planning and Building Codes Department shall have issued a Certificate of No Exterior Effect. The Certificate of No Exterior Effect shall state the reasons for approval.

17.052 Demolition Permits. No permit for the demolition of a principle structure in a Special Historic District, Special Capital District or the Central Business District shall be issued by the Planning and Building Codes Department unless ordered by a Court; or unless approved by the Code Enforcement Board; or unless the Architectural Review Board issues a Certificate of Appropriateness. the Certificate of Appropriateness shall state the reasons for approval by stating how the proposed demolition is appropriate in regard to the guidelines for review for demolition permits, which are contained within each respective zoning district.

17.06 Review Board Procedures

17.061 Certificate of No Exterior Effect--Administrative Approval

A Certificate of No Exterior Effect shall be issued by the Department of Planning and Building Codes for all work, including exterior remodeling and minor additions to a property, proposed within the Special Capital, Special Historic, and Central Business zone districts, except for new construction, building additions, moving a structure, or building demolition. The Director of

Planning and Building Codes shall use the Design Guidelines contained within each separate zone district in determining if a Certificate of No Exterior Effect can be issued.

In the event that the Department of Planning and Building Codes finds that an application does not meet the design guidelines required for the issuance of a Certificate of No Exterior Effect, the application shall be forwarded to the Architectural Review Board for its consideration and recommendations.

17.062 Review Board Procedures: New Construction, Building Additions, Exterior Remodeling, Moving a Structure Into or Out of, and Demolition Within the Special Capital, Central Business, or Special Historic Zone Districts. Whenever application for a building permit is made for new construction, building addition, or the demolition of any structure, or the moving of a structure in a designated Special Historic District, Special Capital District, or Central Business District, the Architectural Review Board shall be notified of such application, and the Board or its designee shall promptly notify the applicant of the date, time and place of a public hearing and shall hold the hearing within sixty (60) days of the filing of such a complete application. An application is determined as complete upon sufficient submittal of all required documentation required within this section, the application, and associated fees. The Board, or its designated representative, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscape plans, plans for off street parking, elevations of all portions of proposed structures facing streets, and elevation photographs or perspective drawings showing proposed structures and all such existing structures as are substantially related to it visually or by function, traffic generation or other influencing characteristics. The Board shall vote to approve or disapprove the application within ninety (90) days after the hearing is held. Unless a mutual agreement between the Architectural Review Board and the applicant has been made for an extension of said time, the application shall be deemed to be disapproved if not acted upon within ninety (90) days.

17.07 Approval by Architectural Review Board: New Construction, Building Additions, Moving of a Structure, Exterior Remodeling and Demolition. If the Architectural Review Board approved the application for a building permit or demolition permit, it shall promptly cause a Certificate of Appropriateness to be issued to the applicant, and shall at the same time transmit a copy of said Certificate to the Building Inspector. Upon receipt of the Certificate of Appropriateness or Certificate of No Exterior Effect, the Building Inspector shall issue the building permit or demolition permit if it meets all other requirements of law.

The Certificate of Appropriateness shall be valid for one year from the date of approval by the Architectural Review Board. If, after that time frame, the proposed work has not been completed, the Certificate of Appropriateness shall be null and void, unless an application is filed (at least 30 days prior to the expiration date) to the Architectural Review Board requesting an extension. If the Certificate of appropriateness has been voided, the Office of Planning and Building Codes shall notify the applicant of that fact and indicate that a new application must be submitted and approved by the Architectural Review Board prior to any work commencing on the project.

If an applicant finds that the approved work will not be initiated by the issuance of a building permit within the one year time frame, they may request an extension of time from the Architectural Review Board. If the Board finds that the applicant is in fact working toward completion of the project, they may approve an extension of the time allowed for completion of the work.

- 17.08 Disapproval by Architectural Review Board: New Construction, Building Additions, Moving a Structure, Exterior Remodeling and Demolition. If the Board of Architectural Review disapproves the application for a building permit or demolition permit, it shall promptly transmit a written report stating the reasons for such disapproval to the applicant. In said written report, the Board shall make recommendations in regard to the intent of the Special Historic District, Special Capital District or Central Business District regulations and the guidelines for review outlined in Section 17.10 of this Article.

If an application has been denied by the Architectural Review Board, an applicant shall not be allowed to submit an application for the same work proposed for a period of one calendar year.

- 17.09 Appeal from Action of the Architectural Review Board: New Construction, Building Additions, Moving a Structure and Demolition within the Special Capital, Central Business and Special Historic Zone Districts. Appeals from actions of the Architectural Review Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by the granting or denial of an application made to the Architectural Review Board. Such appeal shall be taken within thirty (30) days after the decision is made by the Architectural Review Board, by filing with the Office of Planning and Building Codes a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Planning Director shall forthwith transmit to the Appeals Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Appeals Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

- 17.09.1 Architectural Review Appeals Board. The Architectural Review Appeals Board shall consist of five (5) members and shall be the City appointed Planning Commission members. Each member shall serve on the Architectural Review Appeals Board for the length of time of his or her appointed term.

The Architectural Review Appeals Board shall have the duty to hear and decide cases where it is alleged by an applicant that the decision reached by the Architectural Review Board was made in error, or that the appellant has been injuriously affected or aggrieved by an official action of the Architectural Review Board.

The Architectural Review Appeals Board shall fix a reasonable time for hearing the appeal and give public notice at least seven (7) days in advance of the meeting in the local newspaper, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

17.09.2 Appeal from Action of the Architectural Review Appeals Board. In the event that the Architectural Review Appeals Board finds in favor of the Architectural Review Board, after holding the public hearing on the appeal, the appellant may file an appeal to the court of local jurisdiction.

17.10 DESIGN GUIDELINES FOR EXTERIOR REMODELING

The following guidelines shall be used by an applicant in filing applications for approval for exterior remodeling and shall be used by the Director of the Planning and Building Codes Department in determining if a Certificate of No Exterior Effect may be issued for the proposed work. Building permit applications that meet these guidelines may be administratively approved, while those not meeting these guidelines shall require the review and approval of the Architectural Review Board prior to issuance of any building permit for work not meeting these guidelines.

1. Masonry

Masonry is one of the most durable building materials and can last for centuries. Brick, stone, terra cotta, stucco, concrete, and mortar are all examples of masonry. Masonry is used primarily for wall surfaces, but is also used for cornices, pediments, window lintels and sills, and other decorative building elements. The color, texture and patterns of the masonry and mortar joints help define the character of a building.

- A. Original architectural materials such as brick and stone, wood siding and trim, cast and wrought iron, and sheet metal shall be repaired, restored, and reused whenever possible. Original materials shall not be removed or covered. Where necessary, missing or deteriorated material shall be replaced with appropriate recycled or new materials that match the original as closely as possible. When the exterior masonry of a structure must be repaired, the color, texture, and pattern (where applicable) and composition of the masonry and the composition, color and tooling of the mortar shall duplicate the original
- B. Existing architectural features that give buildings their character, such as decorative piers, columns, brackets and cornice work, decorative brickwork, and terra cotta shall be preserved.
- C. The addition of inappropriate and out of character features shall be avoided.
- D. Existing architectural elements or portions of the original features shall be retained, repaired or replicated.
- E. If an original detail, such as a cornice, is deteriorated beyond repair or missing, it shall be replaced with a newly designed detail appropriate in scale, material, proportion and accuracy of detail. A simplified design may be used.
- F. Cleaning masonry shall be done by the least damaging method available, ranging from washing with a mild detergent and soft bristle brushes to chemical cleaning.

- G. Sandblasting is not an acceptable method for cleaning and shall not be permitted because it destroys brick and reduces the life of buildings.
- H. Sealants, such as water repellent coatings, shall not be used unless there is actual water penetration through the masonry units themselves, and the problem is not caused by faulty or missing mortar, poorly functioning gutters and downspouts, or rising ground water. If water is penetrating through the masonry to interior surfaces, then only the affected area shall be treated, and only after the masonry has been allowed to dry. Paint is more permanent and provides a good measure of waterproofing to masonry walls. Painting is recommended for building in the Special Capital, Special Historic, and Central Business zone districts that have been previously painted.
- I. Tuck pointing shall be completed with a soft mortar, simulating the old lime and sand mortars in appearance and composition. A mixture consisting of one part lime, and seven to nine parts of the smallest available mesh sand (to match the original sand) is recommended. The use of this mortar will ensure that expansion and contraction characteristics of the brick and mortar will be approximated.
- J. The original joint type shall be matched by new tuck pointing. In general, the mortar joint shall be concave because this allows for the greatest bond of mortar to brick.
 - 1) The mortar shall be tinted to match the color of the original materials as closely as possible.
 - 2) If brick needs to be replaced, it shall match the original as closely as possible.

2. Siding

Wood is a common building material in the historic areas, used for structural framing, protective siding and decorative elements. Wood can be easily shaped by sawing, planing, and carving, and it is used for a broad range of building elements such as cornices, brackets, shutters, columns, porches, doors and windows, and other decorative building elements. For the purposes of these guidelines, siding shall mean all wood siding, shingles, decorative wooden elements and framing.

- A. Wood clapboard siding shall be used as the repair or replacement material on wood frame buildings.
- B. Aluminum, fiber cement, or vinyl siding shall be permitted for any structure within the Special Capital zone district. The following guidelines shall be followed in installing aluminum or vinyl siding in the Special Capital zone district:
 - 1. Corner boards for artificial siding shall be the same size as the existing corner boards.
 - 2. All new window and door trim shall be the same width as the original trim.
 - 3. Architectural features must be covered in a manner that will allow for the same proportion after coverage as before coverage.
 - 4. All artificial siding shall run in the same direction as the original siding.

5. Frieze and soffit boards must be covered in the same widths as exists on the building.
6. All detailing which is not flush with the siding or surface must bear the same proportion after coverage as before coverage.
7. All exterior façade shingles shall remain and must not be covered or altered.
8. All decorative porch posts, railings, brackets, cornices, and cornice trim must remain uncovered.
9. Existing shutters consistent with the style of the building shall be returned to the original location after the artificial siding is applied.
10. All masonry must remain uncovered.
11. The width of artificial siding must have approximately the same width and shape as the original, and generally should be 4" to 6" wide.
12. Artificial siding shall not be installed over rotted wood – all original siding, trim, fascia and drip items shall be repaired or replaced.
13. All artificial siding shall be the original color of the building, if possible
14. Siding materials with a stamped or molded design which imitates masonry or wood grain may be used when it matches the existing design.

In the Special Historic zone district and in the Central Business zone district, vinyl or aluminum siding shall not be permitted, fiber cement may be approved administratively. Buildings already having artificial stone, asbestos, asphalt shingles, and other similar materials, shall be permitted to use similar materials in resurfacing or repairing these surfaces. Siding shall not be used to cover or replace brick walls

3. Roofs

- A. The original roof shape shall be preserved.
- B. Changes to the original roof shape or adding features inappropriate to the character of the roof, such as oversized dormer windows, is discouraged. Skylights, roof decks and roof gardens may be permitted if they do not detract from the architectural integrity of the building. Generally, the use of skylights, roof decks or roof gardens on the main façade of the building is discouraged.
- C. Whenever possible, original roofing materials shall be retained. New roofing shall be appropriate to the style and period of the building and neighborhood and should match the old in composition, size, shape, color and texture. Retain or replace, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes. Full replacement of roof with material other than existing shall be only approved by the Board and after the applicant has submitted documentation and evidence of why the existing roof material can not be repaired and/or replaced with the same material.
- D. Architectural details that will change the character of the roof and the structure are discouraged. Television antennae, satellite dishes or similar items and mechanical equipment such as air conditioning units shall be placed in an inconspicuous location where they will not detract from the character of the building

4. Gutters and Downspouts

- A. Box gutters shall be preserved and repaired or replaced with the same style box gutters on all elevations visible from a public right-of-way. Box gutters that can not be repaired on elevations not visible from a public right-of-way ,may be replaced with half-round hanging gutters and round downspouts, ,
- B. Finish Treatment: Hanging gutters and downspouts, unless made of copper, shall be painted the same color as the house or the trim. To prevent the paint from flaking and peeling within a short period of time, new non-galvanized metal or aluminum gutters or downspouts shall be coated with a galvanized steel primer before applying the finishing coats of paint.
- C. Style: All hanging gutters and downspouts may be repaired or replaced with the same style and design. All new Hanging gutters shall be half-round and new downspouts shall be round unless otherwise approved by the Architectural Review Board; however, modern K-style gutters are allowed within the SC district, with the exception of historically contributing structures. PVC style gutters shall not be allowed in any historic district.
- D. Any ornamental roof accessories shall be cleaned, repaired and painted.

5. Windows

- A. The original pattern of window openings and their shape and configuration shall not be altered.
- B. Original windows shall be retained when possible, and repaired as needed.
- C. When replacement windows are used, they shall match the original in size, shape and design. Wood with vinyl clad exteriors are allowed within the SC district, with the exception of historically contributing structures .
- D. Existing 6-over-6, 4-over-4, or 2-over-2 window sash may be replaced with 1-over-1 window sashes.
- E. Snap-in grids or grids between panels of glass that give a false appearance of a multi-pane sash are discouraged and shall not be administratively approved within the SH or CB districts, .
- F. Windows of a style or era different than the house shall not be used.
- G. New storm windows shall be of wood or anodized aluminum with a painted finish.
- H. Window openings shall not be reduced, enlarged, or filled in on street facades.
- I. If original openings are filled in on the side or rear, the outline of the original opening shall remain apparent by setting infill material back from the surface and leaving original sills and lintels in place. Original openings on the side and rear may be blocked by attaching shutters in a closed position to maintain the appearance of a window.
- J. Installation of new window openings shall match the existing window openings as much as possible, especially on the primary elevations. New openings shall be of the same size and at the same height as existing openings. Board review and approval is required when such new window openings are proposed on street façade elevations.

6. Shutters

- A. Original shutters shall be retained or repaired.
- B. New shutters shall match the old in composition, size, shape, color and texture. Vinyl shutters shall only be allowed within the Special Capital District when vinyl siding exists on the same elevation.
- C. Shutters that detract from the character and appearance of the building shall not be installed. Shutters shall look as if they could work; they shall be big enough to cover the entire window when closed and they shall not overlap when open.

7. Doors

- A. Whenever possible, the building's original door(s) and door trim shall be retained and/or repaired. If a new door is required, the size, proportion, shape and configuration of the original door shall be duplicated as closely as possible. New doors shall match the material and hardware of the original.
- B. Any original hardware on the door shall also be repaired or retained whenever possible.
- C. Door openings shall not be reduced, enlarged, or filled in on street facades. Original transoms shall be retained.
- D. If it is not possible to retain original door openings, the door may be fixed in place so as to retain the original appearance. If original openings are filled in on the side or rear, the outline of the original opening shall remain apparent by setting infill material back from the surface and leaving original sills and lintels in place.
- E. In instances where new doors are proposed to be installed where there are no existing openings, the new doors shall match the existing doors as much as possible. New openings shall be of the same size and at the same height as existing openings.

8. Porches and Decks

- A. Porches or additions reflecting a later architectural style are often important to the building's historical integrity and shall be retained.
- B. Porches and steps appropriate to the building and its development shall be retained.
- C. When a new porch is added where one does not exist, the porch shall be compatible with the building in terms of the materials and their texture, color, scale and detailing.
- D. The detailing of the components of the porch, including roofs, railings and trim shall be compatible with the existing building.
- E. Decks on the rear and side elevations of a structure are permissible. These decks and porches shall follow the guidelines for new construction.
- F. Any addition of an exterior handicap ramp shall not require the Board approval for a determination of setback. The material and design shall be compatible with the existing building to the maximum extent possible.

9. Site Features

Private site elements include driveways, walkways, garages and out-buildings, lighting, fences, walls, benches, terraces, signs, fountains, berms, drainage ditches, trees, plantings and archaeological features. The relationship between historic buildings and the site features within a property's boundary helps define the historic character and shall be considered an important part of any project.

A. Walls and Fences

- 1) Walls and fences, including gates, are a consistent and dominant element throughout the historic areas. Cast iron and wrought iron fences and gates are the most frequent existing materials and their use shall be continued where appropriate. Existing wrought iron or cast iron fences and masonry walls shall be repaired and retained whenever possible.
Picket fencing shall be no more than 4' in height and shall have no more than a 4" separation between pickets. Privacy fencing, commonly used in other areas of the City, shall only be used in the side and rear of the property.
- 2) Within the front yard, fence materials shall be masonry (stone or brick), wrought iron or wood. New fences shall be compatible with existing fences in the historic areas. Fences in front yards shall be no more than 4' in height. The use of picket fencing in front yards shall be encouraged whenever possible. Picket fencing shall have no more than a 4" separation between pickets. Chain link fencing shall not be permitted in the front yard of any structure.
- 3) Exception within the Special Capital District only:
 - a.) When replacing an existing wood fence, the owner may choose to replace wooden fences with white vinyl fence material.
 - b.) When installing new fences, the owner may choose to install vinyl fence material provided a portion of the exterior of the principle building also contains vinyl material and no other fence material exists on the same property – when other types of fence material exists on the same property, the architectural review board shall review and approve any proposed vinyl fence material.
 - c.) Any vinyl fence material shall consist of the following minimum standards:
 - (1) Picket style shall not exceed 4' in height and shall have not more than a 4" separation between pickets.
 - (2) Vinyl lattice fencing shall only be an accent upon the top portion of a vinyl privacy fence material and is limited to the required height restrictions.
 - (3) Posts, Post caps and end caps shall be provided in same vinyl material.
 - (4) Railing along porches may also be made of white vinyl material – provided a portion of the exterior of the principle building also contains vinyl material.
 - (5) Vinyl post and rail fencing is not allowed.
 - (6) Vinyl fencing shall not be painted.
 - d.) Existing metal or masonry fences/walls shall not be replaced with other materials, unless authorized by the Architectural Review Board.

B. Landscaping

Whenever possible, existing walkways or garden ornaments shall be retained and repaired. Landscaping consistent with the historic area and compatible with the architecture is encouraged.

C. Ground Surfaces

Ground surface materials, such as paving, ground cover planting, terraces, etc., shall be compatible with the existing and adjacent sites, existing site conditions and the character of the building. Use of materials compatible with the existing public sidewalks is encouraged.

The use of ground surfaces that vary significantly from the surrounding conditions, that do not fit the site configuration, or that detract from the character of the building are discouraged. For example, front yards which have an extensive mixture of paving materials and walks with little grass or ground cover shall be avoided, especially where the surrounding sites have large areas of grass or ground cover and few paved areas. Hard surfaced paving such as walks should not conflict in character with adjacent sidewalk materials.

D. Plantings

Large trees on private property along the streets and sidewalks contribute to an “avenue” effect. The continuation of this precedent is encouraged. Periodic maintenance shall be carried out to ensure the proper health and appearance of landscaping. The removal of trees where they contribute to the continuity of street trees is discouraged.

E. Awnings

- 1) Awnings are encouraged as part of the overall design concept for buildings.
- 2) The installation of canvas canopies and awnings is encouraged on both commercial and residential buildings. However, they shall not obscure significant architectural features or require their removal.
- 3) Existing canvas awnings shall be retained and repaired whenever possible.
- 4) New awnings shall be designed and constructed with appropriate materials that respect the original character of the building and area.
- 5) New awnings shall be of a size, shape, color and texture which is compatible with the building’s architectural style.

- 6) Awnings shall be constructed of canvas or other pliable material that meet Fire Codes. Metal or other rigid awnings shall not be used.
- 7) On commercial buildings, awnings may incorporate signs, as long as the sign does not exceed the size requirement for a fascia sign.

10. Facades/Storefronts

Traditionally, commercial buildings have a well-defined opening that contained the original storefront and is usually exclusively confined to the first floor of the building. Storefronts shall never be enlarged to encompass additional floors, unless it can be determined that this was the original design of the building.

- A. Piers or columns that divide the storefront into bays, and lintels or cornices that separate the storefront from the upper floors shall not be covered or removed
- B. Windows shall not be filled in and the existing sill height shall be maintained.
- C. Original transoms, window configurations, doors, and ornamentation shall be retained and repaired whenever possible, or replaced with similar materials as needed. Where no original materials or detailing remains, new work shall be compatible with the original character of the building.
- D. Storefronts shall be located in the plane of the front façade. Storefronts which have major projections beyond the front façade of the building are not appropriate and shall be avoided. The entry to the building shall, however, be slightly recessed to provide a sheltered entry to the building. For exterior swing doors, the depth of the recess shall be greater than the width of the proposed door.
- E. Storefronts that are not original but have their own unique or historic character or design shall be retained and repaired.
- F. In the event that the original storefront has been removed or irreparably damaged, a new front consistent with the architectural style of the overall structure shall be constructed.
- G. When designing new storefronts, scale, materials, proportion, color and number and size of window openings shall all be considered.
- H. Inappropriate historical themes shall be avoided. Detailing such as coach lanterns, colonial doors, storefront shutters, small window panes and window openings shall be avoided.
- I. Materials and design elements such as mansard roofs with wooden shingles, rough textured wood siding, and fake bricks or stone are not appropriate materials for commercial storefronts and shall be avoided.

- J. The storefront shall be designed with large quantities of clear glass, approximately 75% of the storefront area.
- K. Storefront window glass shall be clear. Mirrored or shaded glass shall not be used, unless substantial evidence that the original building contained such glass.
- L. Appropriate materials shall be selected to repair and replace storefronts. Materials such as vinyl and aluminum siding are not appropriate. Where aluminum window frames are used to replace those that were originally wood, the exterior frames shall be either anodized aluminum or painted.
- M. The proportions of the elements of the storefront shall be appropriate to the overall design of the building, as well as to the original storefront. Vertical proportions are much more common than horizontal. Proportions of the storefront cornice, the window elements and the door openings are all important considerations, and these individual elements were often constructed with similar proportions. Alterations to the original architecture shall not be made to “improve” the design of the building.
- N. Storefronts shall not be placed on buildings or portions of buildings that were not originally designed as commercial buildings.

17.11 DESIGN GUIDELINES FOR NEW CONSTRUCTION OR MOVING OF A STRUCTURE INTO THE HISTORIC DISTRICTS:

- A. Proportion of Building’s Street Front Façade: The existing relationship between the width and height of the street front elevation(s) of the building (s) in the immediate area shall be maintained.
- B. Proportion of Windows and Other Openings Within the Façade: The relationship of width to height of windows, doors and other openings of the facades of building(s) in the immediate area shall be maintained.
- C. Rhythm of Solids in Street Front Facades: Rhythm being an ordered recurrent alternation of strong and weak elements. Moving by an individual building, one experiences a rhythm of masses to openings. This rhythm shall be maintained.
- D. Rhythm of Spacing of Buildings Along Streets: Past a sequence of buildings, one experiences a rhythm of recurrent building masses to spaces between them. This rhythm shall be maintained.
- E. Rhythm of Entrance and/or Projections: The relationships of entrances to sidewalks. Moving past a sequence of structures, one experiences a rhythm of entrances and projects (such as porches) at an intimate scale. This rhythm shall be maintained.

- F. Relationship of Materials: Within the immediate area, the predominant material may be brick, stone, stucco, wood siding or other material. This relationship shall be maintained.
- G. Relationship of Textures: The predominant texture within an area may be smooth, rough, horizontal, vertical or other texture or a combination of these textures. This relationship shall be maintained..
- H. Relationship of Color: Within an area, the predominant color may be that of natural materials, or the patina of materials colored by time. The accent of blending colors of trim may also be predominant. This relationship shall be maintained.
- I. Relationship of Architectural Details: Predominant details within an area may include cornices, lintels, arches, quoins, balustrades, wrought iron work, chimneys, and other significant design elements. The relationship of architectural details shall be maintained.
- J. Walls of Continuity: Within an area, physical elements, such as brick walls, wrought iron fences, landscaping masses, building facades, or combinations of these, may form a cohesive enclosure or sense of enclosure along a street. These walls of continuity shall be maintained.
- K. Relationship of Landscaping and Landscape Elements: There may be a predominance of a particular quality and quantity of landscaping and landscape elements within an area. These landscaping and landscape elements may combine to provide a certain mass and continuity. This relationship shall be maintained.
- L. Ground Cover: Within an area, there may be a predominance in the use of ground cover, such as brick pavers, cobble stones, granite blocks, tabby grass, moss, or other materials. The predominance of these materials shall be maintained.
- M. Scale and Units of Scale: Scale, within an area, is created by the size of structures, landscaping, landscaping elements, and architectural details which may relate to the human size, monumentality or some other order of proportion. Scale is also determined by structural, landscape or other such masses and their relationships to open space. The predominant elements of scale may be brick or stone units, windows or door openings, porches or balconies, landscape massings, roof pitches, eave lines, etc. The ambient scale of an area and its units of scale shall be maintained.
- N. Directional Expression of Building Facades: Structural shape, placement of openings, and architectural detailing may provide a predominantly vertical, horizontal, or a non-directional character to the building facades. This directional expression shall be maintained.

17.12 Demolition of Structures: The following guidelines are to be used by the Architectural Review Board in making its determination when an application has been filed for the demolition of a structure.

- A. Any applicant requesting approval for the demolition of a principle building shall be required to submit the following information with their application:

- 1) The architectural and historical importance of the structure and its significance to the history, character, and/or fabric of the designated area. (This information shall be presented in a report prepared by an Architect or an Architectural Historian)
- 2) The physical condition and structural integrity of the structure. (This information shall be presented in a report prepared by an Architect or Structural Engineer)
- 3) The cost of reasonable rehabilitation, renovation or restoration of the structure to allow the structure to continue in a useful function or to continue its contribution to the designated district. Also, the cost of demolition and disposal of the structure. (Two quotes addressing the minimum standards shall be submitted. The quotes shall be prepared by an Architect or Professional Property Appraiser. This information may also be provided by estimates from three independent Construction Contractors licensed to do business by the City of Frankfort, Kentucky.)
- 4) The existing and/or potential usefulness of the structure, including the potential reasonable economic return from the use of the structure. (This information shall be presented in a report prepared by an experienced Real Estate Professional or other competent Professional and shall include information about the value of similar structures in the designated district.)
- 5) The applicant shall submit information on the amount paid for the property in all sales in the previous five (5) years; the assessed value of the land and improvements; the real estate taxes paid; the annual debt service, if any; and all appraisals obtained within the previous two (2) years.

O. When an application for demolition is for an accessory structure, the Board, through its Chairman, may waive the detailed application outlined above, and authorize the issuance of a “no exterior effect” by staff.

P. The Architectural Review Board shall consider the relationship between the structure to be demolished and its site, other structures on the site, and other property in the designated district. In evaluating this relationship, the Board shall consider the historical and architectural significance, architectural style, design, arrangement, texture, materials, and color.

Q. If economic hardship or the lack of reasonable return is a concern of the applicant, the Board should consider the following items to be provided by the applicant: the annual gross income for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and annual cash flow for the previous two (2) years.

R. If a “Certificate of Appropriateness” for demolition is granted, the Board may require any or all of the following:

- 1) Documentation of the structure by the applicant through photographs and/or measure drawings, including material on detailed features of the structure.

- 2) Preservation of valued architectural details and materials of the structure by the applicant. If details or materials are to be preserved the Board may negotiate with the applicant as to the methods of preservation.

17.13 In-Progress Inspections/Stop Work Orders. All work performed pursuant to the issuance of a Certificate of No Exterior Effect or Certificate of Appropriateness shall conform to the requirements of such certificate. It shall be the duty of the Department of Planning and Building Codes to inspect from time to time any work performed pursuant to such certificate to assure compliance. In the event that work performed is not in accordance with such certificate, the Director, Department of Planning and Building Codes or his designated representative shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project while the stop work order is in effect.

17.14 Emergency Conditions. In any case where the Building Inspector, in consultation with the Director of the Department of Planning and Building Codes, determines that there are emergency conditions dangerous to life, health, or property affecting a property in a historic district, he may order the remedying of these conditions (given priority to stabilization prior to demolition) without the approval of the Architectural Review Board. The Director shall promptly notify the property owner and Chairman of the Architectural Review Board of the action being taken.

17.15 Review Board Powers: Local and National Register Designation

17.15.1 Local Landmarks and Districts. The Board shall consider all applications for local designation of individual sites and districts within the City of Frankfort. These shall be defined as sites or districts that are significant to the history and development of Frankfort, but do not qualify for inclusion on the National Register of Historic Places. Such a designation does not automatically grant the Board review powers for new construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

17.15.2 National Register of Historic Places. The Board shall consider all applications for National Register listing within the City of Frankfort, except those that are part of an awarded grant issued by the Kentucky Heritage Council, where the City is the applicant. Once individual sites or districts are listed on the National Register, the Board will not automatically obtain review powers for new construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

17.15.3 Review Board Procedures: Local and National Register Designation. Whenever application for local or national designation is received (except for those excluded in 17.15.2), the Board shall be notified. The Board shall promptly notify the applicant of the date, time and place of a public hearing within sixty (60) days of the filing of such application. The board shall require the submission of a completed nomination form and representative photographs of the property (electronic jpeg format is acceptable), as well as any other documentation the Board may deem necessary. The Board shall vote to approve or disapprove the application within ninety days after the application has been filed. Unless a mutual agreement exists between the Board and the applicant, the application shall be deemed disapproved if not acted on in ninety (90) days.

17.15.4 Approval by Architectural Review Board: Local and National Register Designation. If the Board approves the nomination of a site or district, the applicant will be notified by letter of the action. At the same time, the City Commission will be notified of the action for their review. The City Commission will then review the application, consider the comments and actions of the Board, and render a final decision. If the application is for National Register designation, the City Commission will forward its decision and all comments to the Kentucky Heritage Council within sixty (60) days, for submission to the Kentucky Historic Preservation Review Board.

The Kentucky Historic Preservation Review Board, after considering all opinions, will make its recommendation to the State Historic Preservation Officer. The Board, the City Commission, or the property owner may appeal this final decision by the procedure outlined in the National Historic Preservation Amendment Act of 1980 (36CFR8).

17.15.5 Disapproval by Architectural Review Board: Local and National Register Designation. If the Board disapproves the application for a site or district, it shall promptly transmit a written report stating the reasons for such action to the applicant. A copy of this report will be forwarded to the City Clerk and the Kentucky Heritage Council. If both the Board and the City Commission recommend that a site or district not be nominated, it will notify the Kentucky Heritage Council of this decision. The Council will then notify the property owner, the State Review Board, and the State Historic Preservation Officer. The property will then not be nominated unless an appeal is filed with the State Historic Preservation Officer. This appeal procedure is outlined in the Historic Preservation Amendment Act of 1980 (36CFR8).

17.15.6 Appeal from Actions of the Architectural Review Board: Local and National Register Designation. In the event the Board disapproves an application for designation, the applicant may appeal the decision to the City Commission.

17.15.7 Criteria for Local Landmark Designation. The criteria for local designation will be based on criteria similar to that established by the Department of the Interior for inclusion on the National Register of Historic Places. In such cases, more weight will be given to local significance.

17.15.8 Criteria for National Register Designation. The criteria for National Register designation shall be the same as those established by the Department of the Interior.

17.16 Definitions. As used in this Article, the following terms shall mean:

- a. Certified Local Government: A government meeting the requirements of the National Historic Preservation Amendment Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.
- b. Board: The Frankfort Architectural Review Board
- c. Demolition: Any act that destroys in whole or in part a landmark or a building in a historic district or a landmark site.
- d. Exterior Remodeling: Any change in the design, material, or exterior treatment of a structure that requires a building permit.
- e. Historic District: An area meeting one or more of the criteria contained in Section 17.15.8 of this Article.
- f. Landmark: A building or structure meeting one or more of the criteria outlined in Section 17.15.7 of this Article.
- g. Minor Additions: A deck, patio, porch, accessory storage building, garage, etc.

ARTICLE 18

BOARD OF ADJUSTMENT

18.01 Establishment. The Board of Adjustment as constituted at the time of the adoption of this zoning regulation shall continue in power. Future appointments shall be made as required by KRS 100.217 and by the City of Frankfort and Franklin County Joining Planning Commission agreement.

18.02 Proceedings. The Board of Adjustment shall conduct meetings at the call of the Chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time and place of the meeting, and the subject or subjects which will be discussed. A simple majority of the total membership of the Board of Adjustment shall constitute a quorum. The Board shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall, immediately after adoption, be filed in the office of the Board. A transcript of the minutes of the Board of Adjustments meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

All applicants shall be required to provide with their application a list of all property owners adjacent to the subject property, and their mailing addresses. The Office of Planning and Zoning shall send notice of the request, including the date, time and place of the meeting of the Board of Adjustments, to these adjacent property owners. This notice shall be by first class mail and shall be sent at least seven (7) days prior to the meeting.

18.03 Powers. The Board of Adjustment shall have the following powers:

18.031 General Powers. The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Board shall have the right to receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this zoning regulation. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give the evidence bearing upon the questions before it. The Chairman of the Board of Adjustment shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue.

18.032 The Board of Adjustment shall have the power to grant conditional use permits, approve dimensional variances or to hear appeals from administrative decisions.

18.033 The Board of Adjustment shall have no power or authority to grant any use variance which permits any use of land or structure not permitted by this ordinance, or to grant any conditional use not indicated in these zoning regulations; and it is specifically prohibited from doing.

- 18.04 Conditional Use Permits. The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this zoning regulation which may be suitable only in specific locations in the zone only if certain conditions are met.
- 18.041 The Board may approve, modify or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitation, requirements that one or more things be done before the request can be initiated, or conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in this zoning regulation to the specific section in this zoning regulation listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits or variance for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in persona for such cost.
- 18.042 The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other regulations.
- 18.043 In any cases where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, the granting of such conditional use permit shall be reconsidered by the Board of Adjustment at a public hearing with notice as required.
- 18.044 Once the Board of Adjustment has granted conditional use permit and all of the conditions have been satisfied, then a building or occupancy permit may be issued and the use will be treated as a permitted use subject to the following limitations:
- A. The permitted use applies only to the specific use approved.
 - B. The use is permitted only at the location approved.
 - C. The permitted use is granted only to the person to whom the Board issued the conditional use permit.
 - D. The use is permitted only subject to any continuing conditions specified by the Board.
 - E. The permitted conditional use is not transferable with neglect to use, location or person. Any change in ownership, person or use shall be subject to new consideration by the Board of Zoning Adjustments.
- 18.05 Dimensional Variances. The Board shall have the power to hear and decide on applications for the dimensional variances where, by reason of the exceptional narrowness, shallowness or unusual shape of a site on the date of adoption or amendment of this zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners at the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decided to grant.

18.051 Before any variance is granted, the Board must find all of the following which shall be recorded along with any imposed conditions or restrictions in minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

- A. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
- B. The manner in which the strict application of the provisions of this zoning regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted over landowners in the same zone.
- C. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this zoning regulation.
- D. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood and, if within a Floodplain Zone would not increase the flood heights.
- E. For dimensional variances of lowest floor elevations (including basement) from the regulatory flood elevation in a Flood Fringe District only: The property on which the structure is to be located is an isolated lot of one-half acre or less, contiguous to and surrounded by existing structures constructed below such required first floor elevation or a structure listed on the National Register of Historic Places or a State Inventory of Historic Places is to be restored or reconstructed.

18.052 A dimensional variance applied to the property for which it is granted and not the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land but it cannot be transferred by the applicant to a different site.

18.06 Administrative Review. The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant, that there is an error in any order, requirement, decision, grant or refusal made by the Building Inspector in the enforcement of this zoning regulation. Appeals under this section must be taken within thirty (30) days of the date of official action by the Building Inspector.

18.07 Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decisions of the zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the applicant or his agent receives notice of the action appealed from by filing with said officer and with the Board a notice of appeal specifying the ground thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance and all shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the applicant and the Building Inspector at least one week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by an authorized representative.

ARTICLE 19

CONDITIONAL USES

- 19.01 General. Wherever any conditional use is considered by the Board of Zoning Adjustments, the Board shall determine that the following conditions have been met.
- 19.011 That street or road capacity and condition is adequate to serve anticipated additional traffic.
- 19.012 That public facilities required are available.
- 19.013 That the conditional use proposed is in accordance with the intent of the zoning district within which it will be located.
- 19.014 That the proposed use will have no adverse effect upon the adjacent or surrounding property.
- 19.015 That appropriate screening or buffering is provided in accordance with Article 7, Landscape Regulations.
- 19.016 That any sign requirement specified in Article 13 will have been met and that no sign for any conditional use in any residential zoning district exceeds two (2) square feet.
- 19.017 That all specific conditions enumerated in this Article Section 19.02 through 19.15 will have been fulfilled.
- 19.018 That the use and development of land complies with the adopted Comprehensive Plan.
- 19.02 Specific Conditions. In addition to the above general conditions the Board shall evaluate the standards and conditions for those uses which follow and for which specific conditions are established.
- 19.03 Cemeteries and Mausoleums.
- 19.031 Location. A cemetery or mausoleum may be granted a conditional use by the Board of Zoning Adjustments to locate in any AG, CH or IC Zone.
- 19.032 Site Plan. Any proposal for a cemetery or mausoleum shall be accompanied by a site plan showing all ingress, egress, building sites, external road system and such information as may be required by the Board of Zoning Adjustments.
- 19.033 Accessory Uses. Any accessory uses included on the site must be clearly defined and all such accessory uses must be compatible with the surrounding uses and be no more objectionable than the principal use.

19.034 Area. Any new cemetery shall be located on a site containing not less than twenty (20) acres.

19.035 Setback. All structures including but not limited to mausoleums, permanent monuments or maintenance building shall be set back not less than thirty five (35) feet from any property line or street right-of-way and all graves or burial lots shall be set back not less than twenty five (25) feet from any property line or street right-of-way.

19.036 Landscaping. Landscaping shall be provided in accordance with Article 7, Landscape Regulations.

19.037 Compatibility. The proposed use must be entirely compatible with adjacent and surrounding land uses.

19.038 Access. Access to the proposed site must be adequate in order that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations. All principal entrances shall be from at least a collector street.

19.04 Civic, Community or Private Clubs. The Board of Zoning Adjustments shall hold a public hearing before issuing a conditional use permit for civic or community clubs. Such hearing shall determine that:

19.041 The design of the structure is compatible with the surrounding neighborhood.

19.042 Off-street parking meets requirements in Chapter 12.

19.043 Adequate access is provided to an arterial or collector street and traffic is not required to travel through a residential neighborhood. Principal access is prohibited to local neighborhood streets.

19.044 The civic or community club is organized as a non-profit service oriented association.

19.05 Reserved.

19.06 Day Care Centers, Nurseries, Kindergartens. *(amended October 22, 2007)*

19.061 Location. A day care center, nursery or kindergarten may be granted a conditional use in the RD, RA, RB, RC, RS and RD zone districts and shall contain no more than six (6) children. A day care center, nursery or kindergarten may be granted a conditional use in the RL and RH zone districts, but shall contain no more than twelve (12) children. Any day care center, nursery or kindergarten proposed to be located within a Church in any residential (R) zone district may be granted a conditional use for more than six (6) or twelve (12) children provided that all requirements listed under Section 19.06 are met. Signs shall not be permitted to advertise this business. No day care center, nursery or kindergarten may be located within a dwelling unit of a multi-family building.

Day care centers, nurseries or kindergartens shall be permitted in the PO, CL, CG, CH, CB, IC, IG and AG zone districts for up to thirty five (35) children. Within such zones – the Applicant shall comply with all requirements of Section 19.06. When said day care center abuts property zoned or used for residential purposes, a Conditional Use Permit shall be required. If a day care center, nursery or kindergarten in the PO, CL, CG, CH, CB, IC, IG and AG zone districts proposes to have over thirty five (35) children, a conditional use permit shall be required, and all requirements of Section 19.06 shall be satisfied.

19.062 Site Plan. Any proposed day care center, nursery or kindergarten shall provide a site plan showing all ingress and egress, parking, structures on site and play area, and landscaping required as provided in Article 7, Landscape Regulations.

19.063 Total Area. The total lot area of any day care center, nursery or kindergarten shall not be less than 5,000 square feet.

19.064 Play Area. All day care centers, nurseries and kindergartens shall provide a play area (indoors and outdoors) based on the following table:

Age of children	Minimum sq.ft. play area	Minimum play area inside	Minimum play area outside
0-23 months	33 sq.ft. / child	75% of total capacity of facility	33% of total capacity of facility
24 – 35 months	50 sq.ft. / child	75% of total capacity of facility	33% of total capacity of facility
3 years or older	75 sq.ft./child	75% of total capacity of facility	33% of total capacity of facility
Additional requirement: no total indoor play area shall be less than that required by the State’s Cabinet for Health and Safety and Family Services (60 sq.ft. per child – regardless of age)			

No portion of the exterior play area including fencing shall be closer than thirty-five feet to any public street. Any indoor play area provided to satisfy this section shall be exclusively for recreational play that is not considered to be part of the required usable interior space identified in 19.065. Should the indoor play area be proposed within multiple areas of the building, then no one designated indoor play area shall be less than 33% of the total capacity of the facility based on the total indoor sq.ft. of play area required.

Exception to exterior play area: If the outdoor play area can not be provided on site due to physical impracticalities of the site – then the required indoor play area shall be increased by the amount of play area that would have been required outside. No

variance or modification shall be allowed to reduce the amount of interior play area, when no exterior play area is provided.

19.065 Interior Space. Usable interior space within any child care facility shall be not less than thirty five (35) square feet per child. Kitchen, bath, restroom or passageways shall not be counted as usable space.

19.066 Day Care Centers, nurseries or kindergartens in residential zone districts shall be staffed only by residents of the home.

19.067 No Day Care facility, Nurseries, or Kindergartens shall be allowed or approved to be located less than 1,000 feet from an established residence of a registered sex offender.

19.068 Should the State's Cabinet for Health and Safety and Family Services require more stringent requirements than identified above, then the more restrictive requirements shall be required.

19.07 Home Occupations.

19.071 Purpose and Location. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent undue increase in traffic or parking problems on local streets but at the same time provide means for individuals to operate businesses customarily conducted from private homes. Such permits may be granted in any zoning district where residences are permitted.

19.072 Classification. Home Occupations will be categorized into two different types: Home Offices and Major Home Occupations. Home Offices shall be permitted provided that the applicant meets all criteria set forth in Section 19.07. Major Home Occupations shall require a Conditional Use Permit by the Board of Zoning Adjustment prior to the issuance of a Business License.

- A. Home Offices: A home occupation in which no persons other than members of the family residing on the premises are engaged in the work. Home Offices shall have no visible exterior evidence of the conduct of the occupation, shall not create the need for off-street parking beyond normal dwelling needs, will not generate additional traffic, and no equipment, other than portable business machines (ie; typewriter, calculator, etc.) is used other than normally used in household, domestic, or general use.

Home Offices shall only include Business Offices. No business license shall be issued for the conduct of Home Office until the applicant has shown that all criteria and conditions of Section 19.07 shall be met.

- B. Major Home Occupation: A home occupation in which no persons other than residents of the home are engaged in the occupation. This home occupation shall have no visible exterior evidence of conduct of the occupation; shall not have more than one non-illuminated sign not exceed two (2) square feet in area; and shall accommodate both the dwelling and home occupation parking needs off-street. The home occupation shall require approval by the Board of Adjustments before a business license is issued. Major Home Occupations will be limited to businesses of a personal service nature and the creating or creation of arts and crafts.

- 19.073 Permit. A Conditional Use Permit shall not be required for the conduct of a Home Office; however, a Conditional Use Permit shall be required for a Major Home Occupations prior to the issuance of a business license. No business license for either a major home occupation or a home office shall be issued unless either a Conditional Use Permit issued by the Board of Zoning Adjustment for Major Home Occupations or the applicant has shown that all conditions listed under Section 19.07 shall be met in cases of Home Offices.
- 19.074 Permit, Not Transferable. A special permit for a home occupation is not transferable. A new permit must be applied for whenever there is a change in the occupation, occupant or address.
- 19.075 Limitation on Type of Home Occupation. A home occupation shall be limited to an office, a business of a personal service nature and the creating or creation and sale of arts and crafts.
- 19.076 Use Confined to Residents of Dwelling. Such use shall be confined to the residents of the dwelling unit and shall not exceed two persons engaged therein.
- 19.077 Limitation on Area. Not more than ten (10) percent of the total ground floor area of the dwelling unit for single story dwelling units and not more than twenty (20) percent of the total floor area in dwelling units with two or more stories shall be used in connection with any home occupation. A basement shall be counted as a story for calculation purposes.
- 19.078 Location. Home occupations shall be confined to the main building or attached garage.
- 19.079 Parking. Parking facilities required by this ordinance have been provided and shall not alter the residential character of the lot.
- 19.0710 Alteration of Structure. No residential structure shall be altered or added to in such a manner than the alteration would not be part of the residence where no home occupation is in use. No building permit may be issued solely for a nonresidential addition to a residential structure.

19.0711 No Products or Processing. Except for the creation and production of arts and crafts there shall be no goods, samples, materials or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation of any home occupation, however, this article shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.

No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference to radio and television receivers to residents of the surrounding neighborhood.

19.0712 Kennels. Those uses which entail commercial boarding, training or raising of dogs, cats, birds or other animals shall be prohibited.

19.0713 Auto Repair. Body and fender work, repairing, wrecking or hauling of motor vehicles is prohibited.

19.0714 Beauty and Barber Shops. Beauty and Barber Shops are prohibited as home occupations. This also included tanning bed uses.

19.08 Schools, Parks, Playgrounds and Related Facilities.

19.081 The Board of Zoning Adjustments may issue a conditional use permit for schools, parks, playground or outdoor recreational facilities in any zone, listed in Chart of Permitted Uses, after first holding a hearing to determine compatibility with the surrounding development.

19.082 Each site or facility must be proposed in accordance with the Comprehensive Plan for Frankfort and Franklin County.

19.083 Elementary Schools, parks and playgrounds providing active and passive participant recreation for a neighborhood can be located in any zone provided adequate access is provided to such a facility.

19.084 Off-street parking is provided.

19.085 Adequate provision is made for safe loading and unloading of children on site.

19.09 Retail Uses in Multifamily Residence Zones.

19.091 Purpose. Limited retail facilities may be permitted within multifamily residential structures only to provide a needed facility to resident of that multifamily complex.

19.092 Access. Retail facilities so permitted shall be within a residential building and have access only from an interior corridor and court. No such facility may have direct access or exposure from a public street.

19.093 Location. All such facilities shall be limited to the ground floor of any residential structure.

19.094 Signs. In addition to other regulations governing signs in general or signs for conditional uses, any sign for commercial uses in a residential district shall be limited to six (6) square feet exposed only to interior corridor or court. In addition, a sign limited to 2 square feet may be permitted along a public street on which the residential complex fronts.

19.10 Drive-In Theaters.

19.101 Location. Drive-In theaters may be permitted in AG, CH or IC zoning districts.

19.102 Access. The site must have direct access to an arterial road as identified on the functional street classification map. In addition to the required setbacks from street and highways, all yards shall be planted and maintained as a landscaped strip.

19.103 Screening and Visibility. The theater viewing screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence or densely planted evergreen hedge not less than six (6) feet in height.

19.104 Stacking and Loading. Loading space for patrons waiting for admission to the theater shall be equal to twenty (20) percent of the capacity of the theater. All entrances and exists shall be separated and internal circulation shall be laid out to provide one way traffic.

19.105 Accessory Sales. Sale of refreshments shall be limited to patrons of the theater. Amusement parks or kiddy lands shall be accessible only to patrons of the theater.

19.106 Lighting. All parking areas and access ways shall be adequately lighted provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

19.107 Noise. No central loudspeakers shall be permitted.

19.11 Junk, Wrecking and Automobile Storage Yards.

19.111 Location. Because of the nature and character of junk, wrecking and automobile storage yards, the Board of Zoning Adjustments may issue special exceptions for such uses in the IG zones.

19.112 Processing. Except for processing of metal salvage all other waste processing shall be entirely within an enclosed building. No processing operation shall be permitted closer than three hundred (300) feet from established residential district.

19.113 Screening. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, designed to obscure the view of any wrecked cars from the road. Such fence or wall shall be constructed on or inside the front, side and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and property line is expressly prohibited.

19.114 Access. One access driveway shall be permitted on any single street frontage.

19.12 Shared Family Dwelling and/or Mini-Nursing Homes

19.121 Purpose. Regulations governing shared family dwellings are intended to provide opportunities for safe, sanitary and affordable housing to single parents, elderly and disabled persons allowing a “Sharing” of the dwelling. They are also intended to provide for security, companionship and sharing of household tasks and savings in household expenses. The residents of such a facility are to be more or less permanent in nature and such a dwelling shall not be used to provide temporary or transient housing. No portion of these regulations is to be interpreted as applying to limited care/treatment centers or half-way houses.

19.122 Definition. Shared family dwellings (for the developmentally disabled)/ mini nursing homes shall be any building occupied by not more than four (4) developmentally disabled residents, who shall be supervised and monitored in their daily activities by a recognized local social services agency, in which the common areas and facilities are shared, thus meeting their household needs.

19.1221 In order to ensure compliance with the above definition and the intended use of shared family dwelling/ mini nursing homes the Board of Zoning Adjustments shall determine provided adequate conditions for each conditional use permit issued as follows:

- A. Determine that the recognized local social services agency is in fact an agency currently operating in Frankfort-Franklin County.
- B. Attach reasonable conditions to ensure that each such dwelling is monitored on a regular basis by the recognized local social services agency, such schedule to be determined by the Board. Any change in site location or monitoring agency will cause the conditional use permit to become null and void.

19.123 Location. Shared family dwellings/ mini nursing homes are permitted in any multi-family district, except shall be permitted only as conditional uses in the following zone districts, PO (Professional Office), RD (Two Dwelling District), RL (Low Density Multi-Family) and SC (Special Capital).

19.124 Limitation of Occupancy. A shared family dwelling/mini nursing home shall consist of two (2) or more private spaces for the exclusive use of an individual “family unit” and common spaces shared by these “families”. These common spaces shall include kitchen, dining and living areas.

19.125 Alteration of Structure. No residential structure shall be altered or enlarged beyond its existing exterior walls in order to accommodate the shared family use. In addition, no structure shall be internally remodeled to accommodate the addition of more bedrooms for a shared family use than those that originally existed except that a three (3) bedroom house may be enlarged, via interior remodeling only, to a four (4) bedroom house.

19.126 Parking. All shared family dwellings shall provide ½ space of off-street parking per resident on site. This requirement shall not be waived.

19.13 Charitable Indigent Limited Care Facility

19.131 Purpose. Provide services to individuals and families on a temporary basis only, who are indigent, and are existing in a level of poverty in which real hardship and deprivation are suffered and the comforts of life are wholly lacking. Such facilities shall be operated only by recognized local charitable organizations.

19.132 Definition. A Charitable Indigent Limited Care Facility shall be any part of a building or building in which a recognized local charitable organization (such as a church, church group, coalition of local churches, Salvation Army, or American Red Cross) operates a facility to meet the needs of indigent individuals and families on a temporary basis only. No full-time living quarters are to be provided for either indigents or staff in said facility. A Charitable Indigent Limited Care Facility is an organization whose purpose is to provide temporary care for the indigent of the community and help them find additional assistance with other agencies within the community.

19.133 Conditions. The following minimum conditions must be met prior to using any building for a Charitable Indigent Limited Care Facility:

- A. A minimum of forty (40) square feet of usable area must be provided for each person housed, not to include square footage of the church sanctuary, mechanical areas, kitchen, bathrooms, hallways or offices. Maximum number of overnight inhabitants shall not exceed thirty (30).
- B. Must provide off-street parking for three (3) vehicles, plus one (1) for every two (2) full-time employees. Parking must be in a designated area and within walking distance of the facility. If parking area is not owned by facility operator, written consent must be provided by the property owner.

19.14 Bed and Breakfast Homes

19.141 Purpose. The regulations governing Bed and Breakfast Homes are Designed to allow a homeowner in the Special Capital (SC), Special Historic (SH), and High Density Multi-family residential (RH) zone districts to operate a transient overnight lodging business strictly as an accessory use to the residence with approval by the Board of Zoning Adjustments.

19.142 Definition. A Bed and Breakfast Home is defined as a single-family Resident in which overnight accommodations are provided or offered for transient guests for compensation, and in which no more than two (2) family style meals are provided per twenty-four (24) hour period.

19.143 In order to ensure compliance with the above definition and the intended use of a Bed and Breakfast Home, the Board of Zoning Adjustments shall determine that the following conditions for each conditional use permit are met:

- A. Location. Bed and Breakfast Homes may be located in any single-family residential structure in the Special Capital (SC), and Special Historic (SH) and High Density Multi-Family (RH) Zone District, provided that a Conditional Use Permit has been issued by the Board of Zoning Adjustments.
- B. Limitation of Occupancy. A Bed and Breakfast Home shall be limited to four (4) lodging units or bedrooms provided for guest accommodations. The maximum length of stay for any guest shall be four (4) nights. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- C. Owner Residency. The owner of any single-family residential structure where a Bed and Breakfast Home is located must reside at the home.
- D. Alteration of Structure. No structure shall be altered or enlarged beyond its existing exterior walls in order to accommodate the Bed and Breakfast use.
- E. Parking. Parking for this Bed and Breakfast use shall be provided in accordance with Article 12, Parking Regulations. Each Bed and Breakfast shall be required to provide one (1) parking space per each lodging unit or bedroom provided for overnight accommodations.
- F. Signs. Any sign that is provided for this use shall not exceed two (2) square feet and shall be flush mounted to the façade. Any such sign shall not be illuminated.
- G. Licensing. The owner of the Bed and Breakfast shall be required to obtain approval and licensing from the State Health Department.

ARTICLE 20

RESERVED

ARTICLE 21 ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

21.01 Administration and Enforcement. The Planning Director and/or Zoning Enforcement Officer of the City of Frankfort shall administer and enforce this Zoning Regulation except as other wise provided herein.

21.011 The Planning Director and/or the Zoning Officer shall promptly investigate complaints of violations and report his findings and actions to complainants. He shall use his best efforts to prevent violations and to detect and secure the correction of violations.

21.012 If he shall find any of the provisions of these Zoning Regulation are being violated, he shall notify in writing, the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it.

21.013 He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done.

21.014 He shall take or cause to be taken any other action authorized by this Zoning Regulation to insure compliance with, and prevent violations of, the provisions thereof.

21.02 Building Permit Required. No building or structures shall be erected, moved, added to or structurally altered, nor shall any of said activities be commenced without a building permit therefore issued by the Building Inspector having properly vested authority under the Kentucky Building Code. No Building permit shall be issued by him except in conformity with the provisions of this Zoning Regulation unless he has a written order from the Board of Adjustments in the form of an administrative review decision, a conditional use permit or dimensional variance.

21.021 Application for Building Permits. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale and showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of any existing principle buildings and accessory buildings; the lines within which the proposed building or structure is to be erected or altered; the proposed height; the existing and intended use of each building or part of building and the number of families or housekeeping units. The building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Regulation.

21.022 One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as "Approved" or "Disapproved" and attested to same by signature on such copy. The original, similarly marked, shall be retained by the Building Inspector.

- 21.03 Certificate of Occupancy Required. Except as allowed by this Regulation, no person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, until a certificate of occupancy shall have been issued by the Building Inspector having properly vested authority under the Kentucky Building Code. Such certificate shall show that the structure or use, or both, on the premises, or the affected part thereof, are in conformity with the provisions of this Zoning Regulation. It shall be the duty of the Building Inspector to issue such certificate if he finds that all of the provisions of this Zoning Regulation have been met, and to withhold such certificate unless all requirements of this Zoning Regulation have been met.
- 21.031 Temporary Certificates of Occupancy. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.
- 21.032 Certificate of Occupancy for Existing Uses or Structures. Upon written application from the owner or tenant, and upon inspection to determine the facts in the case, the Building Inspector shall issue a certificate of occupancy for any building; premises or use, certifying that the building; premises or use is in conformity with the provisions of this Zoning Regulation or that a legal non conformity exists as specified in the certificate.
- 21.033 Structure and Uses to be as Provided in Building Permits, Plans and Certificates of Occupancy. Building Permits or certificates of occupancy issued on the basis of plans and applications provided by the Building Inspector authorize only the use, arrangement and construction set forth in such permits, plans and certificates and no other. The use; arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Regulation.
- 21.04 Reconstruction of Unsafe Walls. Nothing in this title shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshall.
- 21.05 Amending the Zoning Map. The Planning Commission may recommend a change of zone to the City Commission if after a public hearing; it determines that the new zone requested meets all established criteria. The fee for a change of zone application shall be established by the Planning Commission.
- 21.06 Review of the Zoning Ordinance.
- 21.061 Upon adoption of these regulations, the Planning Commission shall periodically review both the text of this ordinance and the accompanying maps.
- 21.062 Such periodic review shall be on a regular schedule by the Planning Commission, but not less frequently than once every five (5) years and after any amendment to the Comprehensive Plan.
- 21.063 Upon review of the text and maps, the Planning Commission shall recommend all appropriate changes to the Zoning Regulations. Such changes shall be presented to the City Commission as proposed amendments to the Zoning Regulations.

- 21.07 Enforcement. All departments, officials and public employees of the City which are vested with the duty or authority to review and issue permits or licenses shall do so in conformance with the provisions of this regulation. Any permit or license issued for any use, buildings or purpose which is in conflict with the regulations, shall be considered null and void.
- 21.08 Interpretation. In interpreting and applying the provisions of this ordinance, it shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The Planning Commission or their agent is responsible for all interpretations. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this ordinance shall govern.
- 21.09 Penalties and Violations. Violation of the provisions of this Zoning Regulation or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor, and each day such violation or non-compliance continues shall be a separate offense.
- 21.091 Any person who so violates this Zoning Regulation or fails to comply with any of its requirements except as provided in Section 19.092 herein below shall upon conviction thereof be fined not less than Ten Dollars (\$10.00) but no more than Five Hundred Dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.
- 21.092 Any person shall upon conviction be fined not less than One Hundred Dollars (\$100.00) but no more than Five Hundred Dollars (\$500.00) for each lot or parcel which was the subject of sale or transfer, or contract therefor, which constitutes a violation of this Zoning Regulation.